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(sanjay)
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 26289 of 2022

Bibhas Debnath
Vs.
The State of West Bengal & Ors.

Mr. Arun Shaw,
Mr. Debdip Mondal For the petitioner.

Mr. Nilotpal Chatterjee,
Mr. Debraj Sahu ... For the State.

Affidavit of service filed in Court today be retained
with the records.

The petitioner has prayed for absorption in the post
of a contractual Group-D staff in Sagar Rural Hospital. The
petitioner has been working from May 01, 2007.

Mr. Shaw, learned counsel appearing on behalf of
the petitioner submits that pursuant to the Memo dated
September 16, 2011 issued by the Audit Branch, Finance
Department, Government of West Bengal casual/daily
rated/contractual workers who have rendered 10 years of
service continuously with at least 240 days attendance
each year may be considered to remain engaged in the
same status and capacity till their attaining the age of 60
years. He further submits that the petitioner has completed
10 years of service in 2017. Despite the same the petitioner
has not been engaged in the same status and capacity till
attainment of 60 years. He prays for consideration of the
petitioner's representation dated November 23, 2022.

Mr. Chatterjee, learned counsel appears for the respondents.

Having considered the rival submissions of the parties and the materials placed on record, this Court finds that justice will be sub-served by directing the respondent no.5, Assistant Chief Medical Officer of Health, Kakdwip Sub-Division, District-South 24 Parganas or any other authority concerned to consider the representation of the petitioner dated November 23, 2022 in the light of the Office Memo dated September 16, 2011.

Let such representation of the petitioner be disposed of by a reasoned order within eight weeks from date upon giving a personal hearing to the petitioner. Let reasoned order be communicated to the petitioner within two weeks of passing thereof.

Since no affidavits have been directed to be exchanged in the said writ petition, all the allegations contained therein, are deemed not to have been admitted by the parties.

With the aforesaid directions, the writ petition, being **WPA 26289 of 2022**, is **disposed of**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Hon'ble Court.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Lapita Banerji, J.)

