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20.12.2022
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 27268 of 2022

Sri Sankar Das & Anr.
Vs.
State of West Bengal & Ors.

Mr. Susanta Pal for the petitioners.

Ms. Chaitali Bhattacharyya,
Mr. Subhendu Roy Chowdhury ...for the State.

Mr. Niladri Bhattacharjee,
Ms. Deblina Chattaraj ...for WBTC Ltd.

The petitioners are working as contractual employees/Drivers with the West Bengal Transport Corporation Limited (in short, WBTC) previously known as Calcutta Tramways Company (1978). The petitioners' grievance is that appointments of some of the employees have been regularized in permanent posts but the representation of the petitioners has not been considered.

Mr. Pal, learned counsel appears on behalf of the petitioners and prays for representation of the petitioners dated August 31, 2022 to be considered. He also submits that several orders were passed prior by a Co-ordinate Bench of this Court requiring the representations of the candidates similarly placed with that of the petitioners to be considered. Pursuant to the consideration of such representations, pursuant to the orders passed by this Court service of the several candidates have been

regularized.

Ms. Bhattacharyya, learned counsel appearing on behalf of the respondent nos.1, 2 and 5 submits that there was regularization drive in 2010. Pursuant to that drive some of the employees have been regularized. As such a contractual employee has no legal right to be regularized.

Mr. Bhattacharjee, learned counsel appears on behalf of the respondent nos. 3 and 4.

Having considered the rival submissions of the parties and the materials placed on record, this Court is of the view that the representation dated August 31, 2022 should be considered by the respondent no.4/ Managing Director, WBTCCL or any other authority delegated by him within eight weeks from date upon giving a personal hearing to the petitioner. Such representation will be disposed of by passing a reasoned order and the same shall be communicated to the petitioners within two weeks thereof.

In considering the representation of the petitioners the respondent no.4 shall provide an explanation as to why service of some of the employees have been regularized in the event the Respondent no.4 decides not to regularize the services of the petitioners.

Mr. Pal, learned counsel appearing for the

petitioners undertakes to deposit the deficit court-fees in course of this day. In default thereof, the instant writ petition shall stand dismissed.

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 27268 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.)