

10.05.2022
Item No.3
Court No.6.
AB

M.A.T. 588 of 2020
With
I A CAN 1 of 2020

Sudama Rajbanshi & Others
Vs
The State of West Bengal & Others

Mr. Ayan Banerjee,
Ms. Debasree Dhamali ...for the Appellants.

Mr. Amal Kumar Sen, A.G.P.
Mr. Lal Mohan Basu ...for the State.

Mr. Tapas Kumar Ghosh,
Mr. Tanmoy Choudhury
...for the Respondent Nos.3 & 4.

By consent of the parties, the appeal and the application are taken up for hearing.

Affidavit-in-opposition filed on behalf of the State and the reply of the appellants thereto be kept with the records. The affidavit-in-opposition filed on behalf of the Municipality be also kept with the records.

In the course of hearing learned Advocates for the parties, we find that the main grievance of the appellants is that their services were terminated without granting them any opportunity of hearing.

Mr. Banerjee, learned Advocate appearing for the appellants has vociferously argued that this amounted to blatant violation of the principles of natural justice. The learned Single Judge declined to pass an interim

order. The writ petition is pending. Aggrieved by the refusal of the learned Single Judge to pass an interim order, the appellants are before us.

At the time of admission of the appeal, a Coordinate Bench passed an order dated September 30, 2020, observing that in view of the prima facie case made out by the appellants, the respondents are restrained from filling up 17 posts of Mazdoor in the Hooghly Chinsurah Municipality till disposal of the stay application.

We are of the view that since the writ petition is pending, the parties should argue out their respective cases before the learned Single Judge after exchange of affidavits.

Let affidavit-in-opposition to the writ petition be filed within June 8, 2022. Reply, if any, thereto be filed by June 15, 2022. The parties will be at liberty to mention the matter before the learned Single Judge after completion of affidavits praying for an early hearing to the extent the business of the Court may permit. The learned Judge is requested to decide the writ petition without being influenced by any observation made in any of the interlocutory orders passed in this appeal.

Till the disposal of the writ petition, the respondents are restrained from filling up 17 posts of Mazdoor in the Hooghly Chinsurah Municipality.

MAT No.588 of 2020 stands disposed of along with IA CAN 1 of 2020.

Urgent photostat certified copy of this order, if applied for, be supplied expeditiously after compliance with all the necessary formalities.

(Kausik Chanda, J.)

(Arijit Banerjee, J.)