

Sl. No.12
25.07.2022

Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A 11666 of 2020

Banibrata Dey
versus
State of West Bengal & Ors.

Mr. Suprabhat Bhattacharya
... for the Petitioner.

Mr. Sougata Mitra
... for the State

Mr. Shyama Prasad Purkait
Ms. Moumita Mandal
... for the respondent nos.4 & 5/
Diamond Harbour Municipality

Learned advocate representing the respondent nos.4&5 has filed his Vakalatnama in the department being filing No.A-1290 dated 25.01.2021.

The department is directed to tag the Vakalatnama with the records of the present case.

The petitioner seeks post facto approval of his service. He was appointed as a casual employee in the Diamond Harbour Municipality on 3rd February, 1988 and he received scale of pay at par with the employees of the Urban Local Bodies with designation from 2nd December, 1996.

The Board of Councillors of the Diamond Harbour Municipality in its meeting held on 17th October, 1996 approved scale of pay of the petitioner. The Municipality thereafter forwarded all the documents of the petitioner

to the Director of Local Bodies for grant of post facto approval of his service.

The petitioner alleges that the same has not been done till date. The petitioner is due to retire from service in September, 2022.

Learned advocate for the Municipality supports the stand of the petitioner and submits that all the documents of the petitioner were duly forwarded by the Municipality to the Director of Local Bodies way back in 2012 followed by repeated representations.

Learned advocate representing the Director of Local Bodies does not have any instruction in the matter.

As it appears that the petitioner is in service from February, 1988 as casual employee and thereafter from 2nd December, 1996 in the post of Clerk as per recommendation of the Board of Councillors of the Diamond Harbour Municipality and all documents of the petitioner were forwarded by the Municipality to the Director of Local Bodies way back in 2012, accordingly, it is high time that the Director of Local Bodies takes a decision with regard to post facto approval of the service of the petitioner.

A decision shall be taken by the Director of Local Bodies strictly in accordance with law, at the earliest, but positively within a period of eight weeks from the date of communication of this order.

The said respondent shall pass a reasoned order and communicate the same to the parties immediately thereafter.

The petitioner is directed to forward a copy of all the documents in support of his prayer for grant of post facto approval to the Director of Local Bodies at the time of communicating the order of this Court.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon completion of usual legal formalities.

(Amrita Sinha, J.)