

72.
27.3.2023
S.D.

W.P.A. 1748 of 2023

Prabir Kumar Chakraborty
Vs.
The State Bank of India & Ors.

Mr. Shamik Chatterjee
Mr. Hemraj Adhikari
Mr. Aditya Bikram Mahata
Mr. Sahil Kabir

... For the Petitioner

Mr. Debjit Mukherjee

..For the WBSEDCL

Mr. Chatterjee, learned counsel appearing on behalf of the petitioner submits that the petitioner was engaged in the post of Assistant Security Officer after being superannuated from service as a Sub-Inspector with the Kolkata Police. He draws the attention of the Court to the Recruitment Notification dated July 11, 2019 of the West Bengal State Electricity Distribution Company Limited (WBSEDCL). He submits that the engagement is contractual, for a period of one year and can be extended till such time the candidate attains the age of 65 years, depending upon the performance, physical fitness and mental status of the candidate.

Mr. Mukherjee, learned counsel appearing on behalf of the WBSEDCL and submits that the petitioner had been engaged contractually and as such has no right to such extension. He refers to an Office Memorandum dated November 25, 2015 in support of his contention that a retired employee may be engaged on contractual basis beyond 64 years of age provided such engagement shall not exceed 65 years of age under such circumstances.

He submits that the petitioner is already 64 years of age and, therefore, any contractual engagement for a period of one year will take him beyond the age of 65 years. Furthermore, new engagement has been made in place and stead of the petitioner.

Considering the rival submissions of the parties and the materials placed on record, this Court is of the view that justice will be sub-served by directing the respondent no. 5/the Managing Director (HR & A) or any other authority delegated by him to consider the representation dated January 9, 2023 upon giving him a personal hearing.

A reasoned order shall be passed within six weeks from date and be communicated to the petitioner within two weeks of passing thereof.

With the directions aforesaid, **W.P.A. 1748 of 2023** is **disposed of**.

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

All parties shall act on the server copy of this order duly downloaded from the **website** of this Court.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all the formalities.

(Lapita Banerji, J.)