

16
11.04.2023
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 1782 of 2023

**Somnath Pal
-versus
The State of West Bengal & Ors.**

**Mr. A. Ghosh,
Mr. L.R. Mondal,
Ms. Sk. Kiran.
...For the Petitioner.**

**Mr. Shibasis Chatterjee.
...For the Municipality.**

**Mr. Tapan Kumar Mukherjee,
Ms. Debdooti Dutta.
...For the State.**

Affidavit-of-service filed in Court today is taken on record.

The petitioner joined service of the Murshidabad Municipality on 17th December, 1990 and retired from service on 31st January, 2022.

On 20th May, 2022, a communication was made by the Chairman of the Municipality to the Director of Local Bodies seeking post facto approval of service of the petitioner under the Murshidabad Municipality.

Repeated representations were made by the petitioner before the Chairman of the Municipality and

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

The representations have not been considered till date. The petitioner has not been paid his terminal benefits.

Learned advocate appearing for the State respondents submits that the Municipality did not forward any document of the petitioner as long as he was in service. After the petitioner retired from service, request has been made for according post facto sanction to his appointment.

It has been submitted that the post in which the petitioner was appointed, has not been sanctioned by the Government and the State will not take the burden of paying terminal benefit to the retired employee.

Without entering into the issue as to whether the petitioner will be entitled to his retirement dues from the State exchequer or from the Municipality, the present writ petition is disposed of by directing the Director of Local Bodies to take a decision with regard to the request made by the Chairman of the Municipality seeking post facto approval of the post in which the petitioner served in the Municipality and pass a reasoned order and communicate the same to the petitioner.

A decision shall be taken in the matter by the Director of Local Bodies in accordance with law, at the earliest, but positively by 24th May, 2023.

If required, the Director of Local Bodies may grant an opportunity of hearing to the representative of

the Municipality and the petitioner prior to passing a final order in the matter.

Learned advocate appearing for the petitioner is directed to forward a copy of the communication dated 20th May, 2022 along with all documents in support of his prayer to the aforesaid respondent at the time of communicating the order of the Court.

It is made clear that this Court has not entered into the merits of the claim made by the petitioner and all points are left open to be decided by the aforesaid respondent at the time of consideration of the representation of the petitioner.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)