

54.
4.5.2023
S.D.

W.P.A. 1920 of 2023

Hasnath Ali
Vs.
The State of West Bengal & Ors.

Mr. Ashim Kumar Neogi
..For the petitioner

Mr. Mukti Chandra Ghosh
Mr. Ratul Das
...For the State

Exception to the report as filed in Court today is retained with the records.

The petitioner was engaged as a Library Technician pursuant to an order dated June 27, 2020 issued by the Chief Medical Officer of Health (CMOH), Birbhum initially for a period of two months. The initial order of engagement clearly recorded that the services of the petitioner may be terminated, by one month's notice from either side. The petitioner's grievance is that such notice was not given to the petitioner. The petitioner was directly disengaged from service by the impugned Memo dated September 1, 2022.

Mr. Neogi, learned counsel appearing on behalf of the petitioner submits that the juniors of the petitioner retained in services.

Mr. Ghosh, learned counsel appearing on behalf of the State submits that the engagement of the petitioner was purely on contractual basis. Initially, he was appointed for two months, but the engagement was continued for a period of two years one month. The petitioner has no right to continue with the said engagement. There is no question of seniority in the said contractual engagement.

Considering the rival submissions of the parties and the materials placed on record, this Court is of the view that the initial order of engagement clearly stipulated that the service of the petitioner may be terminated with one month's notice from either side. The said notice was not given to the petitioner. All extensions have been made pursuant to the initial recruitment order of the petitioner. Therefore, the petitioner is directed to be paid one-month's salary/remuneration in lieu of the notice that was not given by the CMOH as required under the engagement order dated June 27, 2020 within two month's date

With the directions aforesaid, **W.P.A. No. 1920 of 2023** is **disposed of**.

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.)