

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

W.P.A 5296 of 2023

**Sunil Das
-versus
The State of West Bengal & Ors.**

**Mr. Sreekumar Chakraborty
Mr. Amitabha Ghosh**

... For the Petitioner.

**Mr. Rajarshi Basu
Mr. S. T. Mina**

... For the State

**Mr. Sujay Bandopadhyay
Mr. Shambhu Mahato**

... For the Midnapore Municipality.

The petitioner joined service in the Midnapore Municipality in the year 1994 and retired on attaining his normal age of superannuation in March, 2018.

He has not been paid his terminal dues allegedly on the ground that his initial appointment was not against a sanctioned post.

Today, at the time of consideration of the writ petition, an order dated 6th February, 2023 passed by the Additional Secretary, Department of Urban and Municipal Affairs (Municipal Affairs Branch, Government of West Bengal) has been produced and relied upon by the learned advocate appearing for the respondent State.

It appears that by the order dated 6th February, 2023 the department's order dated 7th May, 2009 stood amended. The petitioner seeks relief in terms of the amended provision.

Learned advocate representing the Director of Local Bodies submits, upon instruction that, the case of the petitioner may be considered as per the latest order dated 6th February, 2023.

In view of the above, the instant writ petition is disposed of by directing the Director of Local Bodies to take into consideration the prayer of the petitioner seeking post facto approval of his appointment for the purpose of disbursing terminal benefits in his favour.

A decision shall be taken in the matter at the earliest but positively within a period of eight weeks from the date of communication of this order.

In the event, the Director of Local Bodies is of the opinion that the petitioner is entitled to receive terminal benefits, consequential steps shall be taken in the matter at the earliest.

Instruction forwarded by the Director of Local Bodies dated 26th May, 2023 be retained with the records.

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.)