

29.03.2023
Sl. No.19(DL)
srm

W.P.A. No. 5934 of 2023

Samir Lohar & Ors.

Vs.

State of West Bengal & Ors.

Mr. Dilip Kumar Samanta,
Mr. Biswapriya Samanta,
Ms. Tithi Paul

....for the Petitioners.

Mr. Ansar Mandal,
Mrs. Srilekha Bhattacharya

...for the State-respondents.

Mr. Subir Kumar Bhattacharjee

...for the West Bengal Comprehensive
Area Development Corporation.

Affidavit-of-service is taken on record. Despite service, none appears on behalf of the respondent Nos.2 and 3.

Mr. Subir Kumar Bhattacharjee, learned Advocate who usually appears for the West Bengal Comprehensive Area Development Corporation (in short the Corporation), is engaged by the Court to appear in the matter as the said Corporation has not entered appearance, despite service. A copy of the writ petition be served upon Mr. Bhattacharjee.

The petitioners are aggrieved as the benefits of the Memorandum No.9008-F(P) dated September 16, 2011 and subsequent memoranda issued from time to time on

similar lines, were not extended to them. The memoranda provided benefits to casual, temporary and daily rated workers.

Mr. Bhattacharjee, learned Advocate for the Corporation submits that the benefits of those memoranda are not available to casual workers of the Corporation as no decision had been adopted to extend such benefits to the casual workers of the Corporation. According to Mr. Bhattacharjee, the Corporation is a legal entity having a separate existence.

Without going into the merits of the allegations and counter-allegations of the respective parties, this Court deems it fit to direct the Administrative Secretary of the Corporation being the respondent No.2 to treat the writ petition as the representation of the petitioners and dispose of the same, in accordance with law. While deciding the issue, an authorised representative of the petitioners and any other person involved in the entire process of engagement of the petitioners, shall be heard. A reasoned order shall be passed and communicated.

The entire exercise shall be completed within a period of eight weeks from the date of communication of this order.

The Court has not gone into the merits of the claim of the petitioner and the issues raised shall be decided by the competent authority.

A copy of the writ petition along with a server copy of this order be served upon the respondent No.2 for necessary steps as per the direction of the Court.

The writ petition is, thus, disposed of.

There shall be no order as to costs.

Parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)