

21-04-2023
Item No.26
Subrata
Bhattacharyya

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

WPA No.5949 of 2023
Santu Sarkar
-vs-
The State of West Bengal & Ors.

Mr. Sk. Kiran ...for the petitioner

Mr. Nilotpall Chatterjee
Ms. Amrita Panja Moulick ...for the State

Mr. Shibasis Chatterjee ...for respondent no.6

The petitioner was engaged on casual basis by the Murshidabad Municipality. He alleges that after May 2022 he was not permitted to join duties. He submits that similarly placed employees were permitted to join work, but that he was terminated without any notice and without any reason. Aggrieved by the same, the petitioner has approached this court.

The petitioner submits that he has filed a representation dated January 20, 2023 (Annexure P4, p.21) before the municipality with regard to this. By this writ petition, he prays for a direction upon the municipality to consider the same.

Learned advocate representing the municipality submits that the petitioner was a casual worker, and that since his service is no longer required, the municipality directed him not to report to work.

It appears from the submission made on behalf of the parties that the petitioner was engaged on casual basis by the municipality. As the municipality thought that the

service of the petitioner would not be required, the municipality asked the petitioner not to join for duty.

It is for the employer to decide as to whether an employee is to be engaged for service or not. If the employer feels that the service of the employee is no longer required, the employee cannot insist on the employer to permit him to continue with the work.

In the present case, the municipality does not require the service of the petitioner at present. It does not appear that any legal or fundamental right of the petitioner has been infringed by the act of the municipality requiring interference by this court.

In view of the above, no relief can be granted to the petitioner. Accordingly, the writ petition fails and is hereby dismissed.

All parties are to act on the server copy of this order duly downloaded from the official website of this court.

Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J.]

