

68.
21.9.2023
S.D.

W.P.A. 7286 of 2023

Sudip Ghosh
Vs.
The State Fisheries Development Corporation Limited
& Ors.

Mr. Bidyut Kumar Halder
Mr. Indranil Halder
Ms. Neha Singh

..For the Petitioner

Ms. Santi Das
Mr. R.D. Bhowmick

...For the Respondent Nos. 1 & 2

The petitioner is a daily rated worker who was rendering his services as a Driver with the State Fisheries Development Corporation Limited (SFDCL).

The petitioner's case is that he was working continuously since October 2, 2015. The petitioner did not report to work for three days in April 2022. From April 24, 2022, the petitioner was not allowed to continue with his duty any more.

Mr. Halder, learned counsel appearing on behalf of the petitioner submits that the petitioner was getting a monthly salary even though he was discharging his duties as a daily rated worker. Suddenly, without an opportunity of hearing, the petitioner should not have been discharged.

Ms. Das, learned counsel appearing on behalf of the SFDCL submits that no legal right of the petitioner has been violated since he has been discharging his duties as a daily rated worker.

Considering the rival submissions of the parties and the materials placed on record, this Court is of the view that the petitioner is a daily rated worker and as such the Corporation could have discharged him if his duties were not required. However, considering the fact that the petitioner has been continuously discharging his duties since 2015, the Corporation will consider the representation of the petitioner for reengagement if made within four weeks from date, in accordance with their extant guidelines.

With the directions aforesaid, **W.P.A. 7286 of 2023 is disposed of.**

All parties shall act on the server copy of this order duly downloaded from the official **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.)

