

Item No.12
20.02.2023
Court. No. 19
GB

WPA 8411 of 2022

Sudhir Chandra Kuiri
Vs
State of West Bengal and Ors.

*Mr. Falguni Bandyopadhyay,
Ms. Riya Ballav*

...for the Petitioner.

*Mr. Himadri Sikher Chakraborty,
Mr. K.M. Hossain*

...for the State.

The documents filed in court and the admission made by the Secretary of the Purulia Zilla Parishad to the effect that pursuant to different orders of this Court, persons similarly situated with Kanti Banerjee were given notional benefit of their service on and from March 1, 1996 and actual benefit from December 28, 2006, this Court is of the view that the petitioner should be treated at par with such persons.

The issue as to his entitlement cannot be gone into at this stage, as it is the specific contention of the petitioner that thirteen similarly situated employees who were regularized with effect from 2006, had been given notional benefit of such regularization on and from March 1, 1996. One person, namely, Kanti Banerjee was the first beneficiary. Thereafter, other similarly situated persons moved the writ Court and orders were passed. The orders passed by coordinate Benches have been annexed to the writ petition.

The petitioner submits that appeal from the order passed by a coordinate Bench in W.P.31099 (W) of 2017 was

withdrawn by the authorities and the authorities have since accepted the orders of this Court. However, there is no scope to verify this fact, but this court had categorically held in case of others that the benefit given to Kanti Banerjee must be given to the petitioner.

In the matter of ***State of U.P. v. Arvind Kumar Srivastava***, reported in **(2015) 1 SCC 347**, the Hon'ble Apex Court held that as a normal rule, when a particular set of employees was given relief by the Court, the same benefit should be extended to others identically situated. Not doing so, would be discriminatory and violative of Article 14 of the Constitution of India. This principle applied to service matters more emphatically as service jurisprudence evolved from time to time postulated that all similarly situated persons should be treated similarly.

In the matter of ***Union of India vs Munshi Ram***, reported in **2022 Scc Online 1493**, the Hon'ble Apex Court held that the employees working under the same employer in different zones/divisions were required to be treated similarly and equally and were entitled to similar benefits and same treatment.

Under such circumstances, the writ petition is disposed of with a direction upon the respondent nos.6, 9 and 11 to grant notional benefit of regularization of the service of the petitioner as was given to Kanti Banerjee and in equal terms, with effect from March 1, 1996. The pension shall be fixed accordingly. The petitioner shall be entitled to

service benefits upon such calculation being made after granting notional benefit to the petitioner from 1996.

Accordingly, the writ petition is disposed of.

However there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)