

26.06.2023
Ct. No.15
Sl. No.26
akd

W.P.A. 9166 of 2018

Sri Panchanan Mahato & Ors.
Vs.

The State of West Bengal & Ors.

Mr. Falguni Bandyopadhyay
Ms. Riya Ballav
... .. for the petitioners

Mr. Sandipan Banerjee
Mr. Sobhan Majumder
... for the Purulia Municipality

Mr. Pinaki Dhole
Ms. Kakali Samajpati
... .. for the State

The writ petition is taken up for consideration in view of the order of the Director of Local Bodies, Government of West Bengal dated 19th October, 2016 which is at page 47 of the writ petition.

The learned advocate representing the petitioners submits that a decision has been taken by the Director of Local Bodies, being the respondent no.2 herein, pursuant to the order dated 14th July, 2016 passed by a coordinate Bench on a writ petition being W.P. No. 27674(W) of 2015. According to the petitioners, they are entitled to get the benefit of Memorandum dated 20th May, 2013 being No. 4011-F(P) by which decision has been taken to enhance remuneration of casual workers. Petitioners pray for enhancement of remuneration pursuant to the Memorandum dated 20th May, 2013 since they are working as casual workers in Purulia Municipality for a considerable period of time.

State-respondents are represented by Mr. Pinaki Dhole, learned advocate, who has defended the decision of the respondent no.2 dated 19th October, 2016. It has further been submitted on behalf of the State-respondents that petitioners are entitled to get the benefit of Memorandum dated 20th May, 2013 provided petitioners come within the ambit of the circular dated 16th September, 2011 being No. 9008-F(P) and fulfil the conditions attached in the Memorandum dated 16th September, 2011. It has also been submitted that whether the Memorandum dated 20th May, 2013 covers the casual workers of municipality is not known. According to the State-respondents, petitioners have to fulfil the conditions as contained in Memorandum dated 16th September, 2011 first and if subsequent Memorandum dated 20th May, 2013 covers casual workers of municipal bodies in that event only petitioners can claim benefit of Memorandum dated 20th May, 2013.

This court has heard the learned advocates representing the parties and perused the decision of the respondent no.2 as contained in Memorandum dated 19th October, 2016. At first blush it appears that the decision of the respondent no.2 is devoid of cogent reasons as to why petitioners are not entitled to get the benefit of Memorandum dated 20th May, 2013; only it has been spelt out in the decision dated 19th October, 2016 that there is no matching order issued from the municipal affairs department in reference to Memorandum dated 16th September, 2011.

The respondent no.2 while taking decision on the prayer of the petitioners to enhance remuneration in terms of Memorandum dated 20th May, 2013 is required to find out

whether conditions attached to Memorandum dated 16th September, 2011 have been fulfilled by the petitioners or not as it has been rightly pointed out by the learned advocate representing the State-respondents. There is no observation made by the respondent no.2 in the order dated 19th October, 2016 to that extent. It is also required so far as respondent no.2 is concerned to find out whether subsequent Memorandum dated 20th May, 2013 covers casual workers of municipal bodies or not.

It is necessary so far as respondent no.2 is concerned to pass a reasoned order as to why petitioners are not entitled to get the benefit of Memoranda dated 16th September, 2011 and 20th May, 2013.

Accordingly, the order of the respondent no.2 dated 19th October, 2016 ought not to be retained on record and the same is set aside.

The Director of Local Bodies is directed to pass a reasoned order afresh after granting opportunity of hearing to the petitioners or their representative and the representative of Purulia Municipality within a period of twelve weeks from the date of communication of this order.

The writ petition stands disposed of.

However, there will be no order as to costs.

Affidavit-in-reply filed by the petitioners is taken on record.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Saugata Bhattacharyya, J.)