

Item No.54

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

11.01.2023
Ct-24

WPA 11962 of 2022
Badal Chatterjee & Ors.

v.

The State of West Bengal & Ors.

Mr. Subhrajyoti Ghosh
... for the petitioner.

Mr. Pinaki Dhole
Ms. Ananya Neogi
... for the State.

Mr. Sankar Halder
... for the respondent no. 4.

Learned advocate for the petitioners submits that the petitioner no. 4 Bipul Pyen has expressed his intention not to proceed with the writ petition.

Learned advocate for the Municipality confirms that Bipul Pyen has intimated the Municipality that he will not proceed with the present writ petition.

Accordingly, the order passed herein below shall be restricted only in respect of the petitioner nos. 1 to 3 and 5 to 7.

The petitioners were serving as daily wage employees under the Krishnagar Municipality. On attaining the age of sixty years, the Municipality intimated them that their services will no longer be required by the Municipality.

The petitioners pray for benefits in terms of the Memo No. 3998-F (P2) dated July 15, 2019 issued by the Audit Branch, Finance Department, Government of West Bengal.

The representation of the petitioners seeking the above benefit is pending consideration before the Municipality.

Learned advocate representing the Krishnagar Municipality submits, upon instruction that, as per the decision taken by the Board of Councillors of the Municipality, daily wage workers who crossed the age of sixty years will not be required any more in the Municipality. These workers were not issued any letter of appointment and they were serving as casual workers on 'no work, no pay' basis.

The Director of Local Bodies did not pass any order either approving their service or for grant of any financial benefit to them.

Whether the benefit as per the memorandum dated July 15, 2019 will be payable to the petitioners or not, has to be decided by the Municipality.

In view of the above, the present writ petition is disposed of by directing the Krishnagar Municipality to take a decision on the representations filed by the petitioners in accordance with the relevant rules/guidelines/circulars of the Government.

An opportunity of hearing be granted to the petitioners or their authorized representatives.

A reasoned order shall be passed by the Municipality and communicated to the petitioners.

Steps shall be taken in the matter at the earliest but positively within a period of eight weeks from the date of communication of a copy of this order.

It is made clear that this Court has not entered into the merits of the claim of the petitioners and all points are left open to be decided by the Municipality at the time of consideration of the representation of the petitioners.

Learned advocate for the petitioners is directed to forward a copy of the representation filed by the petitioners to the aforesaid respondent at the time of communicating the order of the Court.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

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(Amrita Sinha, J.)