

11. 25.09.2023
Court No.6
Tanmoy Ghosh

FMA 2683 of 2016

**The Chairman, Garulia Municipality & Anr.
-Versus-
Sanjoy Dutta & Ors.**

Mr. Suman Basu, Adv.

...for the appellants.

This appeal is directed against a judgment and order dated May 17, 2016, whereby a learned Single Judge of this Court disposed of the writ petition of the respondent nos. 1 to 80, being W.P. 34350 (W) of 2013.

The writ petition was filed complaining of illegal withholding of permanent absorption and payment of arrear salary of the writ petitioners. The learned Single Judge disposed of the writ petition with the following directions:-

“After having considered the submissions of learned counsel for the parties, I direct the Chairman of Garulia Municipality to consider whether the case of the petitioner comes within the exception carved out by the Supreme Court in the Uma Devi (2) case and to pass a reasoned order upon giving a short hearing to the representative of the petitioner. If the order is in favour of the petitioner, he will send his recommendation to the Director of Local Bodies to the Government of West Bengal.”

Being aggrieved, the Municipality filed the present appeal.

We do not see any reason to interfere with the order. We are surprised that the Municipality, rather than acting in terms of the order, preferred appeal. The learned Single

Judge has issued no mandate on the Municipality. It is merely an order requiring the Municipality to consider the case of the respondents/writ petitioners.

We dispose of this appeal by directing the Municipality to act in terms of the order of the learned Single Judge and take a final decision in the matter within eight weeks from date, after affording an opportunity of hearing to any two of the writ petitioners or their authorized representative. Depending on the decision of the Municipality, further consequential action may be taken.

The appeal being FMA 2683 of 2016 is accordingly disposed of.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)