

W.P.A. 15764 of 2017

**Sk. Jiyad
Vs.
The State of West Bengal & Ors.**

Sk. Rejaul Alam
....for the petitioner

Mr. Jaharlal De
Mr. Suprobhat Bhattacharyya
...for the State

Mr. Gopal Chandra Das
....for the Tamralipta Municipality

The writ petition is presented, *inter alia*, challenging termination order dated 9th June, 2016 issued by the Chairman of Tamralipta Municipality. While questioning such decision of termination learned advocate for the petitioner has relied upon appointment letter dated 16th April, 2010 issued on behalf of the Municipality for appointing the petitioner on monthly consolidated pay. Such appointment letter dated 16th April, 2010 is annexed at page 4 of the supplementary affidavit affirmed by the petitioner. It has also been submitted that there was a communication dated 1st April, 2016 on behalf of the Municipality intimating the petitioner that decision was taken in the meeting of the Board of Councillors dated 30th March, 2016 to terminate the petitioner (*borkhasto*) alleging some misconducts on his part. Ultimately petitioner was terminated vide order dated 9th June, 2016 with effect from 3rd April, 2016. According to the petitioner such

termination order dated 9th June, 2016 is bad since no proceeding was initiated against the petitioner and no decision of the Board of Councillors dated 30th March, 2016 was supplied. Petitioner has prayed for production of decision of the Board of Councillors dated 30th March, 2016 and initiation of appropriate proceedings, if necessary, upon setting aside the impugned order of termination dated 9th June, 2016.

Municipality is represented by learned advocate who has opposed the prayer of the petitioner and submits that petitioner was appointed as temporary staff of the Municipality on consolidated monthly pay. Therefore, for removing the petitioner no proceeding is required to be initiated.

Having considered the submission made on behalf of the parties it transpires that the petitioner was appointed on temporary basis on consolidated monthly pay. Petitioner is not an approved staff of the Municipality and no approval has been accorded by the concerned department of the Government of West Bengal.

In view of nature of appointment made in favour of the petitioner initiation of formal disciplinary proceeding prior removing or terminating the petitioner is not called for.

Accordingly, this Court does not find any substance in the writ petition and same stands dismissed.

However, there shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)