

Item No.6(SL)

30.06.2023
Ct-24
AGM

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 15432 of 2023

State Engineers' Association, West Bengal
v.
The State of West Bengal & Ors.

Mr. Gopal Chandra Banerjee
Mr. Amit Ranjan Pati
... for the petitioner.

Mr. Sirsanya Bandopadhyay
Mr. Arka Kumar Nag
... for the State.

Ms. Sonal Sinha
Mr. Tarun Kumar Chatterjee
Mr. Sujit Gupta
Mr. Sayan Datta
Mr. Soumen Chatterjee
... for the State Election Commission.

Leave is granted to the learned advocate on record of the petitioners to implead the State Election Commission and its Commissioner as party respondents in the cause title of the writ petition.

The prayer be amended accordingly.

The petitioner is a registered Society of Engineers and Technical Officers of the State of West Bengal. The petitioner, on behalf of its members, has made request to the State Election Commission seeking exemption from election duty.

The grounds seeks exemption is that the officers are responsible for actual day to day execution and management of various development programmes/schemes of the Government and are also

responsible for maintaining roads, bridges and building vested in the Government. They are also required to discharge administrative duties attached to their respective offices.

Further reason seeking exemption is that the rank and pay of the engineers do not commensurate with their appointment as Presiding Officer or First Polling Officer.

The request of the petitioner is yet to be redressed by the Commission.

It appears from the submission made on behalf of the petitioner and upon perusal of the documents on record the Court is of the opinion that the engineers of the Government cannot seek total exemption from election duty.

According to the directives of the Commission, the State Government employees may be allotted election duty by maintaining their hierarchy.

In view of the above, the prayer of the petitioner seeking total exemption from election duty cannot be accepted.

The Election Commission is, accordingly, directed to take necessary steps to ensure that hierarchy in service is strictly maintained at the time of detailment of election duty.

A decision shall be taken in the matter at the earliest but positively by July 5, 2023.

It will be open for the members of the petitioner to attend training without prejudice to their rights and contentions in the instant writ petition.

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.

(Amrita Sinha, J.)