

ML- 07.12.2023
241 Ct.15
rkd

W.P.A. 12373 of 2012

Kuldip Das & Ors.

-vs-

State of West Bengal & Ors.

Mr. M. P. Chakraborty,
Mr. Atarup Banerjee,
Mr. Bapin Baidya,
Ms. Ratnadipa Karmakar

....for the petitioners.

Mr. Shamim ul Bari

....for the State.

The writ petition is heard in presence of the learned advocates representing the petitioners and State respondents.

Mr. Banerjee, learned advocate representing the petitioners submits that meanwhile an order dated 6th February, 2023 has been issued by the Additional Secretary to the Government of West Bengal, Department of Urban Development and Municipal Affairs whereby power has been provided to the Director of Local Bodies, West Bengal to declare that initial appointment/promotions in respect of all other officers and employees not included in sub-section (1) of Section 54 of the West Bengal Municipal Act, 1993, made by the Municipalities against the sanctioned vacancies between the period from 14th day of July, 1994 to 30th day of September, 2003 shall be deemed to have been done as per extant provisions of the

West Bengal Municipal Act, 1993 and has ratification of the State Government. According to the petitioners if this amended power is exercised by the Director of Local Bodies then the case of the petitioners can be favourably considered.

In view of aforesaid situation which emanates from the Government Order dated 6th February, 2023 this court finds no purpose would be subserved in keeping this writ petition pending.

Accordingly, leave is granted to the petitioners to make a comprehensive representation before the Director of Local Bodies, Government of West Bengal being respondent no.5 within a period of fortnight from date.

On receipt of such representation by the respondent no.5 within the aforesaid date a reasoned decision shall be taken by the Director of Local Bodies after granting opportunity of hearing to a representative of the petitioners and Krishnagar Municipality.

However, it is made clear that while considering the claim of the petitioners reliance shall be placed on the aforesaid Government Order dated 6th February, 2023 issued by the Additional Secretary to the Government of West Bengal.

The reasoned decision to be taken by the

respondent no.5 within twelve weeks from date of receipt of the representation from the petitioners and the decision to be communicated to the petitioners within one week thereafter.

Consequently order dated 15th May, 2012 stands set aside.

With the aforesaid direction the writ petition stands disposed of.

However, there will be no order as to costs.

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

(Saugata Bhattacharyya, J.)