

Item No.68

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

11.10.2023
Ct-24

WPA 20281 of 2023
Surit Kumar Mukhopadhyay & Ors.
v.
The State of West Bengal & Ors.

Mr. Soumya Majumder
Mr. Siddhartha Banerjee
Mr. Dipranjan Mukhopadhyay
Mr. Chandrachur Biswas
Mr. Souvik Ghosh
... for the petitioners.

Mr. K. Jaweed Yusuf, Ld.AGP
Mr. M. Goswami
... for the State.

Mr. Sandipan Banerjee
Mr. Ankit Sureka
Mr. Sobham Majumder
... for HMC.

The petitioners are the employees of the Howrah Municipal Corporation. Some of the petitioners have already been superannuated and there are a few who are nearing the age of superannuation.

The pension files of the petitioners cannot be proceeded allegedly on account of non-consideration of the entire service tenure of the petitioners.

The petitioners claim that terminal benefit has been accorded in favour of similarly circumstanced persons.

The petitioners contend that the employees were appointed in phases and if entire tenure of the service of

the petitioners is taken into account, they will be eligible to receive pension and other terminal benefits.

Learned advocate representing the State respondents submits, upon instruction that, the case of the petitioners will be taken up for consideration immediately upon their files being forwarded by the Howrah Municipal Corporation.

The Howrah Municipal Corporation is directed to forward all documents with relation to the service of the petitioners starting from their initial date of appointment to the Principal Secretary, Department of Urban Development and Municipal Affairs at the earliest but positively within a period of six weeks from date.

On receipt of the service records of the petitioners, the Principal Secretary shall take necessary steps so that the grievance of the petitioners may be redressed.

Steps shall be taken by the Principal Secretary at the earliest but positively within a period of twelve weeks from the date of receiving the service records from the Howrah Municipal Corporation.

The writ petition stands disposed of.

The writ petition has been filed by 27 petitioners by depositing only one Court fees.

Learned advocate-on-record of the petitioners is directed to deposit the deficit Court fees of 26 writ petitioners by October 13, 2023.

In the event the balance Court fees is not deposited within the time as specified hereinabove, the order passed hereinabove will be restricted only in respect of the petitioner no. 1 and the writ petition shall

be deemed to have been dismissed in respect of the others.

Affidavit-of-service filed in Court today is taken on record.

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.)