

Ml- 07.08.2023  
35 Ct.15  
rkd

W.P.A. 32676 of 2014

Smt. Mala Dey & Anr. (Ratan Dey since deceased)

-vs-

The State of West Bengal & Ors.

Mr. Indradeep Paul

....for the petitioners.

Mr. Swapan Kumar Mazumdar,

Mr. Saptarshi Mazumdar

....for the Nabadwip Municipality.

Mr. Rudranil De

....for the State.

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

The learned advocate representing the petitioners submits that the original petitioner, namely, Ratan Dey who was staff of Nabadwip Municipality has died and in place and stead of the deceased petitioner wife and son have been arrayed as substituted petitioners in the present writ petition.

Now the wife and son of the original petitioners have claimed same benefit as it was prayed for by the original petitioner by instituting present writ petition.

On perusal of the prayer it appears that the original writ petitioner has prayed for approval of service in view of service rendered by the said

petitioner from 1988 in the municipality. However, it remains uncontroverted till date that service of the original petitioner has not been regularized upon according post fact approval.

It further appears that substituted petitioners are not in a position to pray for regularisation of service of the deceased original petitioner.

In view of aforesaid situation the relief claimed in this writ petition cannot be granted and accordingly the writ petition stands dismissed.

However, this order shall not preclude the son and wife of the original petitioner to take steps in accordance with law, if so advised.

There shall 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.)**