

ML- 04.12.2023
44 Ct.15
rkd

W.P.A. 32680 of 2014

Bechan Das

-vs-

The State of West Bengal & Ors.

Mr. Indradeep Pal

....for the petitioner.

Mr. Samit Kumar Mondal,
Mr. M. Nazar Chaudhuri

....for the State.

Mr. Swapn Kumar Mazumder

....for the Municipality.

The writ petition is taken up for consideration in presence of the learned advocates representing the petitioner, Nabadwip Municipality and the State respondents.

It has been submitted by the learned advocates representing the parties that the issue is no more *res integra* in view of the order passed by this Court dated 24th March, 2022 on the writ petition being WPA 32668 of 2014 (**Netai Chandra Singha -vs- The State of West Bengal & Ors.**).

On perusal of the said order dated 24th March, 2022 it appears that on similar set of facts the order of the Director of Local Bodies, West Bengal being the respondent no.2 dated 29th June, 2012 was set aside thereby directing the said Director to revisit the issue afresh.

In view of the order passed in **Netai Chandra Singha** (supra) no order need be passed

on this writ petition excepting directing the Director of Local Bodies, West Bengal being the respondent no.2 to revisit the issue afresh and take decision on the claim of the petitioner relating to approval against the post of Road Majdoor within a period of eight weeks from the date of communication of this order taking into consideration the observations made in the order passed in **Netai Chandra Singha** (supra). Since the petitioner has already retired on superannuation on 30th June, 2010 while taking decision on the claim of the petitioner, respondent no.2 shall also consider grant of post fact approval in favour of the petitioner for the purpose of release of retiral dues in his favour.

The decision shall be taken by the respondent no.2 after granting opportunity of hearing to the petitioner and the Municipality.

Municipality is also directed to place necessary records before the respondent no.2 during the course of hearing in order to facilitate the respondent no.2 to take decision in terms of the order passed by this Court today.

The order to be passed by the respondent no.2 shall be communicated to the petitioner within one week thereafter.

With the aforesaid direction, the writ

petition stands disposed of.

However, there shall be no order as to costs.

The order passed in **Netai Chandra Singha** (supra) shall be retained on record.

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.)