

16.04.2024

**Sl. No.11.
Ct. No. 35
s.g.**

WPA/1106/2021

**Subodh Malakar & Ors.
Vs.
State of West Bengal & Ors.**

Mr. Samim Ahmed,
Mr. Arka Maity,
Mr. Ambiya Khatun,
Mr. E. Islam
....for the petitioner.

Mr. Parshar Baidya,
....for the respondent no. 2,3 & 4.

The writ petitioner and the respondent nos. 2, 3 and 4 are represented, when matter is called on. However, no one is appearing on behalf of the State respondent in spite of due service of notice.

The matter here relates to regularization of the casual workers working in the Taherpur notified area under the Taherpur Notified area Authority.

Mr. Ahmed who is representing the writ petitioners has candidly submitted that his clients have been employed with the said authority, as casual workers, at the time of exigency and of course without compliance of the due process of law, for selection. However, since they have been continuously working with the said respondent nos. 1, 2 and 3, having been appointed to said authorities, in the time of exigency, they can not be exploited by the said respondent, without acknowledging their service by way of regularization of those petitioners.

He seeks an appropriate order for regularization of the writ petitioners. Mr. Baidya is appearing for the respondents No. 2,3 and 4. On the basis of the letter dated 27th September, 2019, issued by the Chairman Taherpur Notified Area Authority, he has submitted that the proposal of regularization of the writ petitioners have already been forwarded by his client, to the Director of Local Bodies/ Government of West Bengal. The same is yet to be responded by the State authorities, he submits.

Perused the records and considered the submissions made as above. In spite of State authority having been directed to file opposition, no such affidavit-in-opposition, is on record. No one is appearing for the State respondent, when the matter is taken up for hearing. Therefore, the Court takes up this case for adjudication in absence of the said State respondent.

The writ petitioners are the contractual employees of the said Taherpur Notified Area Authority. All of them have been working against sanctioned vacancies, for a period of more than 10 years. They have been working continuously, uninterruptedly, and maintaining a good service record. Their further grievance is that, for all these years they have been made to discharge works of perennial nature to be otherwise discharged by a permanent workman. According to the writ petitioners, this is nothing but unfair labour practice and exploitation of the petitioner, bringing peril to the social and economic justice guaranteed to them under the Constitution of India. They have stated that social security has been denied to them and thus the concept of a

welfare state and the rule of law has been given a go by, by the respondent authority through their purported action of not regularizing the petitioners. They have prayed for the direction upon the concerned authority to regularize their service, with the respondent Taherpur Notified Area Authority.

The said authority has however, justified its stand of not being inactive, so far as the petitioner's cause is concerned, by referring to a letter dated 27th September 2019, by dint of which it had sent its recommendation for regularization of the present petitioners, before the appropriate authority, that is, the Director of Local Bodies/respondent No.1. The same is yet to be considered by the Director of Local Bodies.

Considering the facts and circumstances, this Court disposes of the present writ petition with the direction that the proposal of regularization of the writ petitioners as forwarded by the Chairman Taherpur Notified Area Authority, Taherpur, Nadia, vide letter dated 27th September, 2019, which is pending till now with the concerned respondent as mentioned above, be considered and disposed of within a period of three weeks from the date of communication of this order.

In doing so the concerned respondent shall allow the writ petitioners/ respondents nos. 2, 3 and 4 and/or any other appropriate person, as it deems fit and proper, to appear and represent their respective cases, before the concerned authority. The said respondent shall dispose of the proposal/representation dated 27th September, 2019, by delivering a reasoned order

supporting its decision, within the afore-stated stipulated period.

The writ petition is disposed with the direction above.

(Rai Chattopadhyay, J.)