

03.07.2024
Item No.3
Ct. No.26
CHC
(dismissed)

M.A.T. 248 of 2020
IA NO: CAN/1/2020 (Old No:CAN/2094/2020)

Sk. Karmul Hossen
Vs.
The State of West Bengal & ors.

Mr. Bobiul Islam, Advocate
Sk. Jayed Hossain, Advocate
...for the appellant

Mr. Lal Mohan Basu, Advocate
...for the State

By consent of the parties, appeal is taken up
for final hearing.

The appellant before us is aggrieved with the
order dated November 13, 2019 as passed by the
learned Single Bench in W.P. 20172 (W) of 2019,
whereby and whereunder the said Single Bench
dismissed the writ petition as filed by the writ
petitioner challenging his termination as conveyed to
him by an order dated October 1, 2019 by the
respondent no.3 before us.

In support of the instant appeal, learned
advocate for the writ petitioner/appellant submits
before this Court that, while disposing the writ
petition the learned Single Bench has failed to
visualize that, though the writ petitioner was a
contractual employee under the respondent

authorities still he has a right to the post in which he was employed in a contractual manner and further the learned Single Judge has also failed to consider that, the reply to the show-cause as given by the writ petitioner was sufficient for not drawing any adverse presumption and/or finding with regard to the service rendered by the writ petitioner to the respondent authorities.

Learned advocate for the writ petitioner/appellant thus submits that, the instant appeal may be allowed by setting aside the order impugned.

Per contra, learned advocate appearing for the State, however, submits before this Court that, learned Single Bench has duly considered the right of a contractual employee to the post where he was employed and since the respondent authorities were not satisfied with regard to the service rendered by the present writ petitioner/appellant during his service period, they were justified in dismissing the present writ petitioner/appellant which has been upheld by the learned Single Bench.

We have meticulously gone through the order impugned. We have also perused the termination letter dated October 1, 2019.

On perusal of the impugned order, it appears to this Court that, it is an admitted position, the writ

petitioner/appellant was a contractual employee under the respondent authorities and that was also for a fixed period. The materials have been placed before us that, since the respondent authorities were not satisfied with regard to the service rendered by the writ petitioner/appellant a show-cause notice was issued to him and the reply to such show-cause was also not found to be satisfactory to the estimation of the respondent authorities.

On perusal of the notice of termination dated October 1, 2019, we find that the respondent no.3 has recorded various irregularities on the part of the writ petitioner in discharging his duty as a contractual employee that is why the respondent no.3 found that, the contractual employment of the present writ petitioner/appellant should not be renewed and accordingly he was terminated from his contractual job.

In our considered view, the learned Single Judge has rightly observed in the order impugned that, since the present writ petitioner/appellant was not terminated with a stigma there is no requirement of any departmental/disciplinary proceedings.

In further considered view of us, the view taken by the learned Single Judge is absolutely justified inasmuch as no material is placed before us in this appeal also that the respondent no.3 acted

arbitrarily or acted in such a manner which is contrary to the breach of principles of natural justice while issuing the termination letter October 1, 2019.

We, thus, find no merit in this appeal. Accordingly, the instant appeal is dismissed. However, there shall be no order as to costs.

With the dismissal of the instant appeal, all interim applications are also disposed of.

(Debangsu Basak, J.)

(Partha Sarathi Sen, J.)