

28.03.2024
M.L.-216(KB)
Ct. No.-15

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA No. 5002 of 2021

Lakshmi Kanta Das & Ors.
-Versus-
State of West Bengal & Ors.

Mr. Dilip Kumar Chatterjee
Mr. Mrinmoy Bhattacharyya
... For the petitioners.

Petitioners are claiming regularisation on the basis of rendering service as conservancy workers with effect from 1995. In course of hearing, the learned advocate representing the petitioners has placed reliance on an order dated 11th December, 2000 passed by a coordinate Bench on the writ petition being W.P. 18589(W) of 2000.

Petitioners seek benefit of the order dated 11th December, 2000 in the matter of regularising them as employees of Purulia Municipality.

This Court has heard the learned advocate representing the petitioners and has perused the order dated 11th December, 2000 passed by a coordinate Bench on the aforesaid writ petition. The coordinate Bench while passing order dated 11th December, 2000 took note of the facts that after appointment of the petitioners in 1995 subsequently their salaries were stopped.

Submission made on behalf of the respondents before the coordinate Bench was also recorded to the extent that the posts against which petitioners were engaged were

not sanctioned posts. Keeping in view of these aspects, the writ petition was disposed of granting leave to the Board of Councillors to formulate a scheme, if engagement of the petitioners was required for carrying out conservancy work. Today, in consideration of the order of the coordinate Bench dated 11th December, 2000 question arises whether the scheme was formulated by the Board of Councillors in consonance with the order dated 11th December, 2000 or not.

The learned advocate representing the petitioners has not been able to show any material in support of formulation of scheme for regularisation of the petitioners based on the direction as contained in the order dated 11th December, 2000.

In view of the fact that no scheme has been formulated as contemplated in the order dated 11th December, 2000, this Court finds that no enforceable right accrues in favour of the petitioners warranting issuance of mandamus commanding the concerned respondent authorities to regularise their service as employees of Purulia Municipality.

In this regard, reliance has been placed on the judgment of the Apex Court reported in *(2006) 4 SCC 1* (Secretary, State of Karnataka & Ors. vs Umadevi & Ors).

In view of the aforesaid discussions, the writ petition stands dismissed.

However, there shall be no order as to costs.

Urgent xerox certified copy of this order, if applied for, be supplied to the parties on compliance of necessary formalities.

(Saugata Bhattacharyya, J.)