

05.09.2024
Sl.No.18
Ct. No.15
S.A.

WPA 5719 of 2024

Tarakeswar Harijan
-vs-
Hooghly-Chinsurah Municipality & Ors.

Ms. Nandini Mitra
...for the petitioner
Mr. Tapas Kumar Ghosh
Mr. Tanmay Chowdhury
...for respondent nos.1 to 8
Mr. Debjit Mukherjee
Ms. Susmita Chatterjee
...for the State

The petitioner claims to be a retired employee of Hooghly-Chinsurah Municipality. The petitioner suggests that initially he was appointed as a Cooli against a permanent sanctioned post. The post of Coolie was subsequently converted into the post of “Conservancy Worker”.

The petitioner claims that after serving for a long period of time, he retired on February 28, 2023, as Coolie.

The petitioner submits that similarly circumstanced employees of the Municipality were given their retiral dues by the Director of Local Bodies but the case of the petitioner has not been considered.

The affidavit filed by the Director of Local Bodies discloses a letter dated June 21, 2024 whereby some of the Coolies of Hooghly-Chinsurah Municipality were provided with the retiral benefits.

Mr. Mukherjee, learned advocate appearing for the State submits that since no resolution of the Board of Councillors or the appointment letter of the petitioner was found in support of his case, the said authority could not consider his case.

The petitioner, however, submits that he has the original service book with him which indicates the petitioner's appointment, resolution of Board of Councillors and different service benefits conferred upon him from time to time.

I am of the view that the case of the petitioner should be reconsidered.

Accordingly, I dispose of the writ petition with the following directions:

The petitioner shall submit a copy of his service book duly certified by the Municipality before the Director of Local Bodies within a period of two weeks from date.

The petitioner as well as the Municipality will also be at liberty to submit additional documents, if any, in their possession to justify the release of all retiral dues within the said period of time.

The Director of Local Bodies shall afford an opportunity of hearing to the petitioner as well as the representative of the Municipality. After hearing them, the Director of Local Bodies shall take a decision with regard to the release of the retiral dues

of the petitioner. At the time of hearing, the petitioner shall produce the original service book. The entire exercise shall be completed within a period of two months from the date of communication of this order.

Accordingly, **WPA 5719 of 2024** is disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties on compliance of usual legal formalities.

(Kausik Chanda, J.)