

M/L
Item No. 25
06.08.2024
KOLE

WPA 9478 of 2024

Jayanta Mazumder
-Vs.-
National Institute for Locomotor
Disabilities (Divyangjan) & Ors.

Ms. Labanyasree Sinha,

...for the writ petitioner.

Mr. G, Kumar Das,
Mr. P. Bhattacharyya,

...for the respondents.

1. The writ petition has been filed alleging that the Director National Institute for Locomotor Disabilities, although agreed to the proposal for extension of the contractual period of the petitioner who was working as a security guard in the National Institute for Locomotor Disabilities authorities, neither was the contract renewed nor was a fresh contract executed.
2. The petitioner refers to page 55 of the writ petition which was an attachment to the query of the petitioner under the RTI Act. The petitioner also relies on an enquiry report from which it appears that the allegation against the petitioner with regard to pressurizing a particular company to pay Rs. 9,000/- was not established. The authorities have also recommended extension.
3. Learned Advocate for the respondents submits that the petitioner was a contractual worker. His service could be terminated at any time without any notice.

The petitioner does not have any right to claim extension of the contract. It was entirely within the domain of the authority, whether to extend the petitioner's contract or not. Page 55 appears to be an appraisal of the petitioner, where the reporting authority has allotted marks. All the marks are 8.5 or 9 out of 10. One Pranabesh Maji, the Estate Officer and Pratik Paban Mohanty, the Director agreed to renew the contract.

4. The matter has been kept pending for a year and the petitioner is without any employment. This is a question of livelihood of the petitioner. This Court is of the view that the institute, which is State under Article 12 of the Constitution of India, must, take into consideration the issue and dispose of the writ petition as a representation of the petitioner, within a month from the date of communication of this order. This Court does not find either any negative comment or any allegation against the petitioner. Rather, there are recommendations in his favour. The matter should be considered fairly and as per the records.
5. If the authorities are of the view that there are other reasons for not extending the contract, such reasons should be assigned with proper basis and foundation and upon granting an opportunity of hearing to the petitioner and his reporting officer.
6. WPA No. 9478 of 2024 is, thus, disposed of.
7. There shall be no order as to costs.

8. All parties shall act upon the server copy of this order duly downloaded from the website of this Court.

(Shampa Sarkar, J.)