

03.05.2024.
Court No.13
Item No. 93
ap

W.P.A. No. 10287 of 2024

Sk. Laltu
Versus
The State of West Bengal & Ors.

Mr. Subhendu Bandyopadhyay,
Mr. Arindam Mitra.

...For the petitioner.

Mr. Biswabrata Basu Mallick, AGP,
Ms. Parna Roy Choudhury.

...For the State.

1. Affidavit-of-service filed in Court today be taken on record.

2. The writ petitioner was engaged as a Civil Defence Volunteer under the Chandannagore Municipal Corporation on 31st July, 2020. It was specifically mentioned that he was meant for servicing Home Quarantine Patients for door step delivery of medicines and essential commodities to family members of COVID patients and various emergency works as would be assigned by the Sub-Divisional Officer, Chandannagore.

3. The petitioner was thereafter on 23rd November, 2020 re-deployed to perform duties at the Bungalow of the Sub-Divisional Officer, Chandannagore, Hooghly in view of COVID Pandemic. The petitioner was given ad hoc bonus by the Deputy Controller of Civil Defence

and Sub-Divisional Officer, Chandannagore for the year 2022-2023 by an order dated 5th April, 2020.

4. Although no document is annexed, across the bar, the writ petitioner has produced a letter dated 31st March, 2014 for being engaged from 11th February, 2013 at the rate of Rs.312 per day which was subsequently enhanced to Rs.338 per day.

5. The petitioner relies upon a pay slip issued from time to time by the Office of the Controller of Civil Defence showing monthly payment to the petitioner. The petitioner was, however, disengaged on 11th May, 2023 by the Sub-Divisional Officer, Chandannagore with immediate effect. The petitioner is aggrieved by the disengagement.

6. The petitioner seeks to place reliance upon a Memo issued by the Deputy Secretary, Government of West Bengal to the Director General of Civil Volunteers dated 16th September, 2020 prescribing certain benefits to Civil Defence Volunteers. Such benefits are for leave compensatory, casual leave, hospital leave and terminal benefits upon reaching the age of 60 years.

7. The petitioner has not been able to demonstrate any lawful process of recruitment under which he was engaged. The engagement of the petitioner must, therefore, be considered as casual. The normal process of recruitment involves sponsorship by the

Employment Exchange, public advertisement, prescription of qualification, age, interview/written test and the like.

8. In those circumstances, this Court is of the view that the petitioner cannot claim any vested right of any permanent employment or any permanent engagement of the State.

9. This Court directs the Chief Secretary of the State or his designate to conduct an enquiry into the casual engagement of the people like the petitioner as Civil Defence Volunteers, particularly by the Sub-Divisional Officer, Chandannagore, Hooghly.

10. Appropriate action is expected to be taken against the person concerned, who have carried out such engagement which are ex facie illegal and de hors the Rules of the State.

11. With the aforesaid directions, the instant writ petition shall stand disposed of.

12. There will be no order as to costs.

13. Let a copy of this order and the hand-written documents along with the writ petition be sent to the Chief Secretary, Government of West Bengal for appropriate action.

14. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

