

Item-
17. 05-03-2024

MAT 738 of 2023
CAN 1 of 2023

sg Ct. 8

Suresh Pal & Ors.
Versus
The State of West Bengal & Ors.

Mr. Saibal Acharya, Adv.
Mr. Manik Kundu, Adv.
Mr. Janardan Mandal, Adv.
...for the appellants

1. The affidavit of service filed in Court is taken on record.
2. In spite of service, the State respondents are not represented even in the second call, nor any accommodation is prayed for on their behalf.
3. The petitioners were engaged as Temporary Home Guards (THG) Volunteers in 2019 and have been discharging their duties. After Durga Puja, 2022, the engagement of the petitioners was discontinued. By a Notification dated 30th December, 2022, the Deputy Secretary, Government of West Bengal, intimated that the State gave administrative approval for fresh engagement of 1615 THGs for a period of 180 days from January 01, 2023. Furthermore, 2800 THGs, who were already engaged in traffic management at Tala Bridge, were to be continued in management for another period of 180 days with effect from January 01, 2023. The writ petition was filed as their tenure was not extended after Durga Puja 2022.
4. The learned Counsel appearing on behalf of the appellant has submitted that during the pendency of the appeal, the appellants have been engaged for ten days. The writ petition

was dismissed on the ground that the learned Single Judge did not find any arbitrariness or perversity in the decision taken by the Officer-in-Charge, Bhatar Police Station to engage the THGs sequentially on the ‘first-come-first-serve’ basis. The procedure applied for engagement cannot be said to be arbitrary. However, during the pendency of the appeal, we have been informed that the writ petitioners have been engaged as THGs for ten days. Whether they shall be extended for another ten days, it is for the administration to decide depending upon the Rule followed by them for engagement of THGs.

5. On such consideration, we do not find any reason to interfere with the order passed by the learned Single Judge. However, we record the submission of Mr. Saibal Acharya, learned Counsel for the appellants that presently they have been engaged for ten days.
6. Mr. Acharya submits that an application has been filed for extending their engagement for the balance period of 170.
7. The authorities may consider such application in accordance with law.
8. With the aforesaid observation, the appeal and the application are, accordingly, disposed of.
9. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Uday Kumar, J.)

(Soumen Sen, J.)