

18.07.2024
Ct. 23
D/L 4
ab

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

WPA 14920 of 2024

**Smt. Popy Raha (Nee Dutta)
-Vs-
State of West Bengal & Ors.**

Ms. Koyeli Bhattacharyya

... for the petitioner

Mr. Somnath Ganguly,
Mr. Sukalpa Seal

... for the State

The petitioner says that she was appointed as a casual labour in the office of the Collector of Dakshin Dinajpur on 6th July, 1987 and had been working at the office of the District Relief Department till she was transferred to the office of the District Election Office in the year 2005. The petitioner says that in view of the departmental circulars and the policy decision reflected therein, the petitioner was required to be absorbed in the Government Department. The petitioner was not absorbed, which prompted her to file a previous writ petition being WP No. 25048(W) of 2008 (Smt. Popy Raha (Nee Dutta –Vs- State of West Bengal & Ors). The said writ petition was disposed of by an order dated 19th November, 2008 with the following directions:

“ If such a representation is submitted within a period of four weeks, the said concerned Collector must forward the same to the appropriate authority of the State Government and must ensure that the service of the writ petitioner who is since working as a casual worker is duly absorbed and given appointment letter.

This must be done within a period of three months from the date of receipt of the representation.”

This order dated 19th November, 2008 was carried on in appeal at the belated stage being MAT 1136 of 2016 (State of West Bengal and Ors. -versus- Popy Raha (Nee Datta)). By a judgment and order dated 16th April, 2019, the delay was not condoned as a consequence whereof the appeal did not see the light of the day. The petitioner says that despite specific orders of this Court, no appointment letter was given to her. The question which falls for consideration at the threshold is whether this Court has the jurisdiction to receive, try and determine the writ petition inasmuch as the petitioner is seeking absorption in a Government department by issuance of an appointment letter. The provisions of Section 15 of the Administrative Tribunals Act, 1985 appears to come in between. The petitioner is seeking benefit in respect of a civil post under the State. The appropriate forum, therefore, is one constituted under the 1985 Act.

In the aforesaid facts and circumstances, the writ petition is disposed of by granting the petitioner leave to approach the appropriate forum on the self-same cause,

if otherwise permissible in law. The time spent between 24th May, 2024 till date (18th July, 2024) should be construed to have been spent by the petitioner in prosecuting the case bona fide before a Court without having the jurisdiction.

(Arindam Mukherjee, J.)