

Item No.229

20.02.2024
Ct-24

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 18528 of 2023
Partha Pratim Chakraborti @ Partha Pratim Chakraborty
v.
The State of West Bengal & Ors.

Mr. Sabyasachi Chatterjee
Mr. Akashdeep Mukherjee
Mr. Soumyodeep Nag
... for the petitioner.

Ms. Chandrani Bhattacharya
...for the Kamarhati Municipality.

The petitioner is a retired employee of Kamarhati Municipality. Initial employment of the petitioner was made in the year 1984 which was later on confirmed by the Municipality. After the petitioner retired from service terminal benefits are not being disbursed allegedly on the ground that the service of the employee was not approved by the department.

After serving the Municipality for more than three decades, the ground taken for not releasing the terminal benefits on account of non-approval of the service of the employee cannot be accepted by the Court.

It appears from the documents annexed to the writ petition that the post in question in which the petitioner was serving was approved by the State Government. The Municipality on repeated occasions made representations before the department to accord approval to the service of the petitioner but no decision has been taken by the department till date.

The petitioner relies upon the judgment delivered by the Hon'ble Division Bench of this Court on August 10, 2022 in the matter of Tarapada Nandy v. The State of West Bengal & Ors., MAT 717 of 2018 with IA CAN No. 2 of 2021. The said judgment was delivered in respect of an employee similarly placed as that of the petitioner in the Bansberia Municipality. The petitioner prays for similar relief.

Learned advocate representing the Municipality submits that despite repeated communications to the State Government there has been no response from the department.

It appears that the Hon'ble Division Bench in the matter of Tarapada Nandy (supra) was pleased to direct the State authority to immediately act upon the letter of the Municipality and accord approval of his services from the date of his permanent appointment and to release all consequential benefits applicable to him including pension, immediately after approval of his service.

The instant writ petition is, accordingly, disposed of by directing the Directorate of Local Bodies being the respondent no. 3 to take a decision on the representation filed by the Municipality seeking approval of the service of the petitioner.

A decision shall be taken in the matter after giving reasonable opportunity of hearing to the petitioner and the representative of the Municipality. A reasoned order shall be passed and communicated to the parties.

Steps shall be taken in the matter at the earliest but positively within a period of three months from the date of communication of this order.

The Director of Local Bodies shall take a decision after considering the ratio laid down by the Hon'ble Division Bench in the matter of Tarapada Nandy (supra).

If the Director of Local Bodies is of the opinion that the relief(s) sought for by the petitioner can be allowed, then necessary consequential steps shall be taken in the matter at the earliest.

The writ petition stands disposed of.

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

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

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(Amrita Sinha, J.)