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26.09.2024
NB

Ct. 17

WPA 24243 of 2024

Lila Lohar & Anr.

-vs-

The State of West Bengal & ors.

Mr. Arunava Banerjee,
Ms. Simantika Dasgupta,
Ms. Ritika Mandal,
Mr. S. K. Qareeb.

...for the petitioners.

Mr. Swapan Kr. Dutta
Mr. Soumen Chatterjee.

...for the State

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners are Helpers/Cooks at different institutes of West Bengal directly controlled by the Director of Technical Education and Training. They were appointed in such capacity in accordance with the recruitment rules and after observing all the procedures under the relevant statute. The appointing letter was issued by the Principal/Secretary of the Institutes. After their appointment they continued in their service uninterruptedly. They were extended the benefits of uniform service in terms of Government notification No.998-Edn(U) dated 7th December, 1981. The pay was revised in terms of Memo dated 14th February, 2000 issued by the Joint Secretary, Government of West Bengal. Although the status of the petitioners was like that of Group-D employees but all the allowances and other service benefits of Group-D employees were not extended. By an order dated 2nd January, 2014, the State authorities declined to extend the benefits as available to Group-D employees to hostel/mess of the polytechnics. Some of the employees challenged the aforesaid

order by preferring writ petition being WPA 14133(W) of 2014. Some others who were denied some benefits of Group-D employees opposed this for by preferring another writ petition being WPA 18230(W) of 2014. Those writ petitions were disposed of by orders dated 14.05.2014 and 27.06.2014 wherein this Court quashed the impugned order dated 2nd January, 2014 and directed the concerned respondents to give the writ petitioners the status of Group-D employees and treat them as permanent employees. Aggrieved by such order, the Director of Technical Education and Training, Government of West Bengal preferred two mandamus appeals being FMA 1152 of 2015 and FMA 1161 of 2015. By an order dated 28th February, 2019, the two appeals were dismissed. The orders were confirmed up to the Hon'ble Supreme Court. The Hon'ble Apex Court dismissed the Special Leave 3 Petition being Special Leave to Appeal (C) Nos.28253 to 28254 of 2019 on 4th March, 2022. Relying on earlier orders, a Co-ordinate Bench of this Court passed an order dated 02.05.2023 in WPA 10108 of 2022. By office order passed on 24.07.2024, such benefits were granted to the aggrieved employees. Reliance is also placed on similar orders passed by this Court in WPA 11670 of 2024 and WPA 11014 of 2019.

Learned counsel appearing on behalf the State submits that several orders have been passed in this regard by Coordinate Benches. The matter had gone to the Hon'ble Apex Court and was decided in favour of the employees. However, there is a difference between 'Group-D' employees and hostel/mess employee.

It appears that the petitioners are employees of polytechnics

who seek similar benefits as Group-D employees. They were appointed in accordance with relevant recruitment rules and as per statute. They continued their service uninterruptedly. They are getting the same pay scale as Group-D employees. They were extended benefits of uniform service in terms of the notification dated 7th December, 1981. The pay was revised in terms of the Memo dated 14th February, 2000.

Therefore, the petitioners appear to stand in the same footing as those aggrieved employees who had earlier being granted similar benefits by Coordinate Benches of this Court. In fact, some of the matters went up to the Hon'ble Apex Court and were decided in favour of the employees.

In view of the above, the writ petition is disposed of by directing the respondent authorities to extend the writ petitioners the status and service benefits as available Group-D employees of the Government of West Bengal including pay scale, allowance, service and superannuity benefits. In effect, they shall be treated as permanent Government employees. The concerned respondents including the State are directed to release all service benefits to the petitioners which are to be paid from the respective dates of appointments within 12 weeks from the date of communication of this order.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Jay Sengupta, J.)