

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE

Present:

The Hon'ble Justice Joymalya Bagchi

And

The Hon'ble Justice Ajay Kumar Gupta

M.A.T. 94 of 2022

Sukumar Barman

-Vs-

The State of West Bengal & Ors.

For the Appellant : Mr. Sandip Mandal, Adv.
Mr. Abhilash Mittal, Adv.

For the State : Mr. Hirak Barman, Adv.
Mr. Anirban Banerjee, Adv.
Mr. Bikash Singha, Adv.

Heard on : 21.05.2024 & 22.05.2024

Judgment on : 22.05.2024

Joymalya Bagchi, J. :-

1. Appellant had been appointed as a Data Entry Operator on 04.02.2021 in place of one Mousumi Roy under the Ration Card Life Cycle Management Programme by Uttarbanga Rural Development Organisation, Belakoba, Jalpaiguri. He contends vide Memo No. 524-FS/O/Sectt/IT-15/2011 dated 06.02.2021, IT personnel

working on contractual basis under the aforesaid programme were brought under the control of the Food & Supplies Department, Government of West Bengal and were permitted to continue as contractual employees till 60 years. Unfortunately, the appellant was not considered and permitted to continue as contractual employee under the Food & Supplies Department till 60 years.

2. Learned single Judge dismissed the writ petition on the ground that his service was temporary in nature. Though the appellant was appointed as a temporary IT personnel under the Ration Card Life Cycle Management Programme, other IT personnel so engaged had been brought under the direct control of Food & Supplies Department and permitted to continue as contractual employees till 60 years. Names of 552 employees were listed as Annexures I, II & III of the Government order.
3. This Court directed the said Annexures to be placed on record. The Annexures have been placed on record.
4. Item No.4 in the list of candidates brought under Food & Supplies Department in Darjeeling district records the name of Mousumi Roy. Appellant's appointment shows he had been appointed on 04.02.2021 upon resignation of said Mousumi Roy. If that be the case then the name of the appellant ought to be included in the list in place and stead of Mousumi Roy. Appellant has made out a case

for consideration of his prayer for grant of benefit under the Government order.

5. Accordingly, we direct the respondent no.3 to consider the prayer of the appellant for grant of benefit under the Government order dated 06.02.2021 as made out in the writ petition within six weeks from the date of communication of this order. Respondent no.3 shall take appropriate decision in the matter after giving an opportunity of hearing to the appellant as well as Mousumi Roy, respondent no.14.
6. Needless to mention respondent no.3 shall pass a reasoned order and the same shall be communicated to the appellant as well as respondent no.14 forthwith.
7. With these directions, MAT 94 of 2022 is disposed of.
8. There shall be no order as to costs.
9. Urgent photostat certified copy of the judgment, if applied for, be given to the parties on usual undertaking.

I agree.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)

