

05.08.2025
Sl. No. 23
Ct No. 3
SG

WPA 431 of 2023

**The Kolkata Municipal
Corporation Workers Union & Ors.
Vs
The Kolkata Municipal Corporation & Ors.**

Mr. Swarup Paul,
Mr. Guru Saday Dutta,
Mr. Anish Roy.

...for the petitioners

Mr. Alak Kr. Ghosh,
Mr. Arijit Dey,

...for KMC

1. Affidavit-of-service is taken on record.
2. The petitioners in the present writ petition is challenging the various circulars issued by the respondent on the ground that they are contrary to the Factories Act and the Shop and Establishment Act.
3. It is the case of the petitioners that they are covered by the circular issued by the Kolkata Municipal Corporation dated 16.06.1997. The petitioner states that he has made a representation dated 29.08.2022 wherein he has sought to withdrawal of the impugned circular being MC Circular No. 18 of 2022-23 dated 07.07.2022 and the release of overtime, holiday, tiffin and night allowance in terms of the Factories Act, 1948 and Shop and Establishment Act. He states that despite the said representation he has

not received any response from the respondent-Kolkata Municipal Corporation.

4. Learned Counsel for the respondent-Kolkata Municipal Corporation states that the authority is ready and willing to decide petitioners' representation dated 29.08.2022.

5. Learned Counsel for the petitioners states that the petitioners shall be satisfied if the same is decided within a time bound manner.

6. In view of the submissions made by the learned Counsel for the parties, this Court directs the respondent no. 3 to decide the petitioners' representation dated 29.08.2022, strictly in accordance with law, after affording an opportunity of hearing to the petitioner association or any other relevant stakeholder, within a period of eight weeks from the date of communication of this order, by way of a speaking order.

7. With the above direction, the present writ petition is disposed of.

8. Since no affidavits have been filed by the respondents, the allegations made in the writ petition shall not be deemed to have been admitted.

9. There shall be no order as to costs.

10. Let urgent Photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Gaurang Kanth, J.)