

18.02.2025
Court No.23
DL/Item No.-3
[Milan, A.R. (Ct.)]

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

WPA 3588 of 2024

Jugal Kishore Mahata & Ors.
versus
The State of West Bengal & Ors.

Mr. Lalratan Mandal,
Mr. Dilip Kumar Sadhu

....for the Petitioners

Ms. Rama Halder,
Mr. Amartya Pal

....for the State

The subject matter of challenge is the reasoned order published on 29th December, 2023 by the Divisional Forest Officer, Medinipur Division whereby, the claim of the petitioners for terminal benefit and pensionary benefit in terms of the office memorandum dated 20th May, 2023 were rejected, on the ground that the petitioners have not been able to produce any documents in support of their continuous service from the date claimed by each of the petitioners.

After hearing the parties, considering records as also by perusing the impugned order, I find from the reasoned order dated 29th December, 2023, in which the petitioners had claimed the terminal benefit and pensionary benefit, on having been demobilized upon attaining the age of superannuation was rejected. It

does not reflect as to what documents, the petitioners had failed to submit on the basis whereof, the authority concerned could not come to the conclusion that the petitioners are entitled to the benefit under memorandum dated 20th May, 2023.

It is also the case of the petitioners that the respondents themselves issued a document termed as list dated 28th September, 2010 of casual daily rated workers in respect of Midnapore Division, therein the name of the petitioner no.1 is in serial no.65 (date of joining is 1992) while that of the petitioner no.2 is in serial no.20 (date of joining is 1989). The name of the petitioner no.3 appears in the list of 2019 in serial no.15 (date of joining is 2001), the petitioner no.4 is in serial no.21 (date of joining is 1986), the petitioner no.5 is placed in serial no.18 (date of joining is 1988) and the petitioner no.6 serial no.17 (date of joining is 1989).

The petitioners say that after reaching the age of superannuation of 60 years, each of them had been demobilized. On having been demobilized, the petitioners are entitled to the service related benefits which include gratuity, provident fund and leave salary, etc. The order dated 29th December, 2023 does not discuss about the documents produced by the employer and the documents which the petitioners had failed to submit. All documents relating to the petitioners respective date of joining, their tenure of work each year

and the wages paid to each of the petitioners for the service rendered by each one of them should be with the employer. The petitioners have from the documents issued by the employer has *prima facie* established their respective date of joining. It was for the employer to show by placing relevant documents that the petitioners are not entitled to their respective claims.

Ordinarily, the Court is reluctant in entering into this type of disputes. However, the memorandum appearing at page 24 of the writ petition, which clearly shows when each of the petitioners attain the age of superannuation, the petitioners claimed to be regularized and/or given fresh appointment on the basis of memorandum dated 16th September, 2011 and had approached this Hon'ble Court on the ground that there is a violation of principle of natural justice, in as much as no documents relied upon by the respondents, had been shown to them.

In the aforesaid facts and circumstances, the reasoned order dated 20th December, 2023 is set aside. The matter is to be reheard by the respondent no.6 after affording the petitioners reasonable opportunity of hearing and by supplying them the necessary documents intended to be relied upon by the respondents. The respondents are further directed to produce the service records pertaining to each of the petitioners at hearing after affording the petitioners an

inspection thereof and supply the copies of the documents asked for by the petitioners.

The writ petition is accordingly disposed of.

Since I have not called for any affidavits, except the report, the allegations contained in the writ petition are deemed to have not been admitted by the respondents.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Arindam Mukherjee, J.)