

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

02.04.2025
Ct. no.2
Sl. 4
Moumita

WPA 4056 of 2025

Arun Chandra Das and Ors.

Vs.

The State of West Bengal & Ors.

Mr. Susanta Pal

.... For the Petitioners.

Mr. Pantu Deb Roy, AGP (through virtual mode)

Mr. Pannalal Bandopadhyay

....For the Respondent nos. 1 & 2.

Mr. Niladri Bhattacharya

Ms. Deblina Chatteraj

....For the Respondent nos. 3 to 5.

Mr. Susanta Pal, learned advocate appears for the petitioners.

Mr. Pannalal Bandopadhyay, learned state counsel led by Mr. Pantu Deb Roy, learned Additional Government Pleader appears for the respondent nos. 1 and 2 through virtual mode.

Ms. Deblina Chatteraj, learned advocate along with Mr. Niladri Bhattacharya, learned advocate appears for the Respondent nos.3 to 5.

The petitioners are the contractual employees of the respondent no. 3, the petitioners seek the benefits in terms of the principal memorandum dated **September 16, 2011 annexure p-3 at page 56** to the writ petition

and all the connected subsequent memoranda issued by the state from time to time on the same issue. The benefit is purely financial in nature.

Mr. Susanta Pal, learned advocate appears for the petitioner submits that some of the employees of the respondent no.3 have been provided with the benefits whereas the petitioners have not been. This is clearly a hostile discrimination in violation of **Article 14 of the Constitution of India**. The petitioner has also referred to an order of the co-ordinate bench dated **June 10, 2024 at page 102** to the writ petition, which was passed in support of the writ petitioners for considering its case.

Ms. Deblina Chattoraj, learned advocate appears for the respondent nos. 3 to 5 submits that an appeal has been preferred from the order dated **January 16, 2024** referred to in the said order dated **June 10, 2024** and the appeal is pending.

Be that as it may, considering the issue involved in this writ petition, the petitioner is directed to serve a copy of the complete set of writ petition upon the **Principal Secretary Finance Department, State of West Bengal** along with a copy of today's order.

After receiving the said communication the principal secretary upon issuing a prior hearing notice of **at least seven days** to the learned advocate on record for the petitioners in this writ petition, who in turn shall communicate the petitioners, and the respondent no. 4

and after granting them an opportunity of hearing shall decide the issue by passing a reasoned order in accordance with law.

It is made clear that, this Court has not gone into the merits of the claim of the writ petitioners neither the contentions of the respondent no. 3 and the parties shall be at liberty to urge whatever points they wish to urge by relying upon whatever records and documents they wish to rely upon before the principal secretary.

The entire exercise shall be carried out and completed by the principal secretary within a period of **six weeks** from the date of communication of this order and the reasoned order shall be communicated to the advocate on record for the petitioner, the respondent nos. 3 and 4 within a period of **one week** from the date of the said reasoned order to be passed.

In the event, the reasoned order goes in favour of the petitioners, the appropriate state authorities and the respondent no. 3, shall take all necessary and consequential steps to give an immediate effect thereto in accordance with law but positively within a period of **four weeks** from the date of the said reasoned order, as **page 103** to the writ petition shows that the order passed by the co-ordinate bench, as referred to above, has already been given effect to and the respondent no. 3 has acted in compliance thereof.

It is made clear that the merit of the claim of the petitioner has not gone into.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

With the above observations and directions, this writ petition, **WPA 4056 of 2025** stands ***disposed of***, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)