

03.04.2025

Ct. no.2

Sl. 4

b.r.

WPA 4649 of 2025

Md. Kalam Ali

Vs.

The State of West Bengal & Ors.

Mr. Srinjay Sengupta

Mr. Sourav Roy

Mr. Ankush Ghosh

.... For the Petitioner.

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

Mr. Subrata Guha Biswas

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

Mr. Niladri Bhattacharya

Ms. Deblina Chatteraj (through virtual mode)

....For the Respondent nos. 3,4,5 and 7.

Mr. Srinjay Sengupta, learned advocate appears for the petitioner.

Mr. Subrata Guha Biswas, 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 through virtual mode along with Mr. Niladri Bhattacharya, learned advocate appears for the Respondent nos.3,4, 5 and 7.

The petitioner is the contractual employee of the respondent no. 3, the petitioner seeks the benefits in terms of the principal memorandum dated **September 16, 2011 annexure p-2 at page 31** 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. Srinjay Sengupta, 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 petitioner has 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 **January 16, 2024 at page 55** to the writ petition, which was passed in support of the writ petitioner for considering its case.

Ms. Deblina Chattoraj, learned advocate appears through virtual mode for the respondent nos. 3 ,4, 5 and 7 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 petitioner in this writ petition, who in turn shall communicate the petitioner, and the respondent no. 5

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 petitioner neither the contentions of the respondent no. 3 and the parties shall be at liberty to urge whatever points he wishes to urge by relying upon whatever records and documents he wishes 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 petitioner, 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 55** 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 4649 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.)