

07.05.2025
Sl. No. 11
g.b.
Court No.02

W.P.A. 8393 of 2025

Ramesh Chandra Pathak
-Vs-
Union of India & Ors.

Mr. Saptarshi Roy
.....For the Petitioner
Mr. Kumar Jyoti Tiwari
Ms. Tanusree Ghosh
.....For the Respondent Nos. 1 to 3

Affidavit of service filed in court today is taken on record.

Mr. Saptarshi Roy, learned counsel appears for the petitioner.

Ms. Tanusree Ghosh, learned advocate led by Mr. Kumar Jyoti Tiwari, learned senior advocate appears for the respondent nos. 1 to 3.

Respondent no.4 is not represented.

The petitioner as a contractual appointee has been performing his job as a Homeopathy doctor under the Staff Benefit Fund Management Committee. At present the petitioner has been receiving an honorarium for a sum of Rs.37,500/-. The duty hours of the petitioner has been extended for eight hours a day. Referring to

Annexure 'P-8' at page 61 to the writ petition

the petitioner submits that the Homeopathic consultants who are working under Staff Benefit Fund scheme are paid with the honorarium of Rs.75,000/- per month for doing eight hours duty. The petitioner claims parity of payment.

The petitioner has submitted its representation dated **April 02, 2025** but the same has not been decided.

After considering the submissions made on behalf of the parties and upon perusal of the materials on record it appears to this court that the terms and conditions of the appointment and the terms and conditions of extending the job hours of the petitioner are required to be examined before granting any relief to the petitioner on the basis of the materials on record.

Accordingly, the **respondent no.3** is directed upon issuing a prior hearing notice of at least seven days to the petitioner and after granting him an opportunity of hearing to decide the said representation of the petitioner dated

April 02, 2025 at page 74 to the writ petition by passing a reasoned order in accordance with law.

The petitioner shall also serve a copy of the complete set of writ petition along with a copy of today's order upon the **respondent no.3**.

The entire exercise as directed above shall be carried out and completed by the respondent no.3 positively within a period of **six weeks** from the date of communication of this order and the reasoned order shall be communicated to the petitioner positively within a period of **one week** from the date of the said reasoned order to be passed.

It is made clear that this Court has not gone into the merits of the claim of the petitioner in any manner and the petitioner 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 respondent no.3 but the same shall not travel beyond the scope of the said representation dated **April 02, 2025**.

In the event, the reasoned order goes in favour of the petitioner, the appropriate authority

shall give an immediate effect thereto but positively within a period of **four weeks** from the date of the said reasoned order to be passed.

It is also made clear that this order shall not create any right or equity in favour of the petitioner if the petitioner does not succeed to his claim before the respondent no.3 strictly in accordance with law.

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 observation and direction, this writ petition **WPA 8393 of 2025** stands **disposed of**, without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties on urgent basis after completion of all necessary formalities.

(Aniruddha Roy, J.)