

06.01.2025
Item No.17
Ct. No.26
CHC
(disposed of)

MAT 788 of 2024

Sabiul Momin & Ors.

Vs.

The State of West Bengal & Ors.

Mr. Kallol Basu, Senior Advocate
Mr. Subhajit Das, Advocate
Ms. Atreya Chakraborty, Advocate
Mr. Sanjoy Ghosh, Advocate
....for the appellants

Mr. Amal Kumar Sen, Ld. A.G.P.
Mr. Lal Mohan Basu, Advocate
...for the State

1. Appeal is directed against the order dated April 16, 2024 passed in WPA 9432 of 2024.
2. Appeal is at the behest of the writ petitioners.
3. Learned advocate appearing for the appellants submits that, the appellants were not afforded any opportunity of hearing by the District Magistrate while deciding the fate of the appellants. He submits that, the appellants were appointed as volunteers by a process known to law. Even upon expiry of the contractual period of the appointment of the appellants their services were utilized. District Magistrate by the order impugned before the learned Single Judge arrived at an erroneous finding. Moreover, no opportunity of hearing was afforded to the appellants.
4. State is represented.

5. There is a series of litigation in respect of the appointment of the appellants as Additional Work Force in the Vector Borne Disease (VBD) Control Programme.
6. In our view, interest of justice would be subserved by requesting the Special Commissioner, Panchayat and Rural Development Department, Government of West Bengal to decide the issue of engagement of the appellants as Additional Work Force in the VBDC Programme; after affording the appellants an opportunity of hearing. Appellants will be represented in such hearing by two of the appellants as representatives of the appellants.
7. Special Commissioner, Panchayat and Rural Development Department, Government of West Bengal is at liberty to hear such group of the Addition Work Force in VBDC Programme after affording an opportunity of hearing to them also.
8. They will also be allowed to be represented by two of them or through their authorized representatives as per their choice, in such hearing.
9. Special Commissioner, Panchayat and Rural Development Department, Government of West Bengal is at liberty to consult such authority and refer such document that he deems appropriate. He will pass a reasoned order and will communicate the same to the parties forthwith thereafter.

10. Special Commissioner, Panchayat and Rural Development Department, Government of West Bengal will not be influenced by any of the observations made either by the District Magistrate in its order impugned before the Writ Court or by the High Court in any of its order.
11. It is expected that the entire exercise is completed within four weeks from date. The order impugned is modified to such extent.
12. MAT 788 of 2024 is disposed of without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)