

16.06.2025
Item no. 13
Crt.02.
b.r.

WPA 11333 of 2025

Jyotirmoy Mazumder & Ors.
Vs
The State of West Bengal and Ors.

Mr. Asok Nath Ghosh
..... for the Petitioners

Mr. Pinaki Bhattacharya
Ms. Tanima Sengupta
..... for the State

Mr. Dwaipayan Banerjee
Ms. Mahima Mukherjee
Mr. Aharnish Ghosh
....for the respondent nos. 4 and 5.

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

Mr. Asok Nath Ghosh, learned advocate appears for the petitioners.

Mr. Dwaipayan Banerjee, learned advocate with Ms. Mahima Mukherjee, learned advocate appears for the respondent nos. 4 and 5.

Ms. Tanima Sengupta, learned advocate led by Mr. Pinaki Bhattacharya, learned State counsel appears for the State-respondents.

The petitioners were employees of the **respondent no. 4**. All of them retired from time to time on different dates but during the period between **December 31, 2015** and **January 1, 2020**.

Drawing attention to **pages 53 and 54**, learned advocate for the petitioners submit that petitioner nos. 1 and 2 have submitted their representations both dated **May 22, 2024, annexure p-6 at pages-53 and 54** to the writ petition, the same had not yet been considered. The other writ petitioners though stand on the same footing and claim the same benefit but no representations have been submitted by them.

Accordingly, those petitioners herein who have not yet submitted their representations shall be at liberty to submit their representations before the **respondent no.5** positively within a period of **three weeks** from date.

In view of the above, the **respondent no. 5** is directed upon issuing a prior hearing notice of **at least seven days** to the petitioners and after granting them an opportunity of hearing shall decide the said representations of the petitioners by passing a reasoned order in accordance with law.

The entire exercise shall be carried out and completed by the respondent no.5 positively within a period of **eight weeks** from the date of expiry of **three weeks** from today. The reasoned order shall be communicated to the petitioners within a further period of **one week** from the date of the said reasoned order to be passed.

It is provided that the petitioners may be accompanied with their duly authorized representative to participate in the hearing before the respondent no. 5.

It is made clear that, this court has not gone into the merits of the claim of the petitioners and the petitioners shall be at liberty to urge whatever points they wish to urge by relying upon whatever records, documents and order of court but the same shall not travel beyond the scope of the said representation as referred to above.

In the event, the reasoned order goes in favour of the petitioner, the respondent no. 5 and/or any other appropriate authority of the employer shall give an immediate effect thereto in every respect with all consequential benefits to which the petitioners shall be found to be eligible in accordance with law, but positively within a period of **three weeks** from the date of the said reasoned order to be passed. The necessary pay fixation shall also be made.

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

With the above observations and directions, this writ petition, **WPA 11333 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 expeditiously, on compliance of usual legal formalities.

(Aniruddha Roy, J.)