

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

49 30.6.2025
Sc Ct. no.2

WPA 13468 OF 2025

Abdul Salam Mallick & Ors.

Vs.

The State of West Bengal & Ors.

Mr. Udaynarayan Betal
Mr. Mriganka Patra.

....For the Petitioners

Mr. T. M. Siddiqui, AGP
Ms. Debdooti Dutta.

....For the Respondent
No.1

Mr. Supriyo Chattopadhyay, AGP
Mr. Suman Dey.

....For the Respondent
Nos. 4 & 5

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

Mr. Udaynarayan Betal, learned counsel appears
for the petitioners.

Mr. Supriyo Chattopadhyay, learned Additional
Government Pleader with Mr. Suman Dey, learned
advocate appears for the respondent nos. 4 and 5.

Ms. Debdooti Dutta, learned advocate led by Mr. T.
M. Siddiqui, learned Additional Government Pleader
appears for the respondent no.1.

Rest of the respondents are not represented,
despite notice.

Mr. Udaynarayan Betal, learned counsel appearing
for the petitioners referring to the document dated

January 19, 2017, Annexure-P3, at **page 31** to the writ petition submits that, the petitioners were deployed as **Civil Defence (QRT) Personnel** at different **Check Posts and Sub Market Yard, Karimpur, Nadia**. This document shows that, the petitioners were appointed against a **monthly Honourarium @Rs.5900/-** per month for each personnel.

Referring to a Government Memorandum dated **July 15, 2019**, at **page 38** to the writ petition learned counsel for the petitioners submits that the similarly placed personnel are receiving higher payment as their payment was revised. The same benefit has been sought for by the petitioners. The petitioners submitted their representation dated **April 11, 2025, Annexure-P9**, at **page 47** to the writ petition before the district regulated Market Committee but the same has not been considered.

Learned counsel for the petitioners submits that, Provident Funds are being deducted from the said Honourarium.

Mr. Supriyo Chattopadhyay, learned Additional Government Pleader submits that, the status of the petitioners is neither casual workers nor daily-rated workers or contractual workers far to speak of permanent employee. Hence, the said State Memorandum dated **July 15, 2019**, at **page 38** to the writ petition would have no effect and the same shall have no binding force on them. Such memorandum shall not give any benefit to the petitioners.

Per contra, learned counsel for the petitioners submits that, the petitioners are still working as such in terms of the said document dated **July 19, 2017**, at **page 31** to the writ petition.

Considering the rival contentions of the parties and considering the materials on record this Court is of the view that, the appropriate authority of the respondent no.2 shall consider the representation of the petitioners dated **April 11, 2025, Annexure-P9**, at **page 47** to the writ petition in accordance with law by passing a reasoned order.

Accordingly, the petitioners shall serve a complete set of this writ petition along with a copy of today's order upon the respondent no.2 forthwith.

The respondent no.2 then through its appropriate authority, upon issuing a prior hearing notice of at least **seven days** to the learned advocate on record for the petitioners herein and after granting the petitioners an opportunity of hearing through their duly authorized representative, shall decide the said representation of the petitioners dated **April 11, 2025**, at **page 47** to the writ petition by passing a reasoned order in accordance with law.

It is made clear that, this Court has not gone into the merits of the rival contentions of the parties and the parties shall be at liberty to urge whatever points they wish to urge in support of their claim by relying upon whatever records and documents they wish to reply upon

before the said appropriate authority of the respondent no.2 but the same shall not travel beyond the scope of the said representation dated **April 11, 2025**, as referred to above.

The entire exercise shall be carried out and completed by the said appropriate authority of the respondent no.2 positively within a period of **six weeks** from the date of communication of this order and the reasoned order shall be communicated to the petitioners positively within a further period of **two weeks** from the date of the said reasoned order to be passed.

In the event the reasoned order goes in favour of the petitioners then the appropriate authority of the respondent no.2 shall take all necessary and consequential steps in accordance with law to give an immediate effect to the said reasoned order in accordance with law but positively within a further period of **four weeks** from the date of the said reasoned order to be passed.

It is made clear that, this order shall not create any right or equity in favour of the petitioners if they do not succeed to their claim before the appropriate authority of the respondent no.2 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 observations and directions this writ petition, **WPA 13468 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.)