

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

Present:

The Hon'ble Justice Madhuresh Prasad

AND

The Hon'ble Justice Supratim Bhattacharya

W.P.S.T 175 of 2024

Anupam Chakraborty

Vs.

The State of West Bengal and Ors.

For the petitioners	: Mr. Rudranil De Mr. Subhronil Ghosh Mr. Soumo Charan
For the State	: Mr. Biswabrata Basu Mallick, Ld. AGP. Mr. Shayak Chakraborty
Heard on	: 29.01.2025
Judgment on	: 29.01.2025

MADHURESH PRASAD, J.:

1. We have heard learned counsel for the petitioner and the learned counsel for the State

2. There was a vacancy in the post of the Assistant Public Prosecutor in the district of Purulia. To tide over the crisis the District Magistrate on 20th June, 2014 engaged the services of the applicant/petitioner to discharge the functions as an Assistant Public Prosecutor of the State cases in the Court of Additional Chief Judicial Magistrate. According to the petitioner the petitioner was to be given fee at the rate of Rs. 459/- for a maximum of two cases per day.
3. It is the petitioner's grievance that subsequently his duties have further been expanded and he has been asked to prosecute the State cases in the Court of Judicial Magistrate, 1st Court Raghunathpur in addition to the earlier assignment. The petitioner in the circumstances wanted enhancement of the fees being paid to him and he made such request to the respondents.
4. He also filed an Original Application which was numbered as O.A. No. 556 of 2021. In the Original Application the petitioner sought direction upon the respondents to consider his claim for regularization, which was allowed vide order dated 16th December, 2022.
5. The petitioner's claims were, however, rejected by the reasoned order dated 12th June, 2023 by the Principal Secretary, Judicial Department, Government of West Bengal. The petitioner in the

circumstances has approached the Tribunal seeking the following relief:

“(a) To set aside the order passed by the Ld. Principal Judicial Secretary W B dated on 12.06. 2023 and pleased to direct the respondents:-

(b) To regularize the service of the applicant.

(c) Not to disturb the service of the applicant as it is the only source of income for the survival of the applicant and his family.

(d) To provide job security to the applicant till the age of retirement.

(e) To pay equal pay to the applicant.”

6. The Tribunal on consideration of the issue found that the petitioner had been engaged by the authority on a contractual basis and there was no regular appointment of the petitioner as an Assistant Public Prosecutor.
7. It is further taken note of the fact that the petitioner in fact has been requesting the District Magistrate, Purulia to continue to engage him in this capacity as there is a question of his livelihood. Having considered this aspect of the matter the Tribunal found the petitioner's claim for regularization or being paid fee or remuneration at par with regular Assistant Public Prosecutors to be unsustainable in law.
8. The learned counsel for the petitioner submits that the remuneration which is being paid is too little. It is a

remuneration which was fixed about eleven years back. He further submits that he should at least be granted the remuneration/fee at per with panel lawyers.

9. The learned counsel for the State on the other hand submits that there is no law under which the petitioner can claim any relief and, therefore, the Tribunal's orders requires no interference.
10. Considering the rival submissions we are in agreement with the submissions advanced by the learned counsel for the State that the petitioner has no enforceable right to claim regularization or payment at per with regularly appointed Assistant Public Prosecutors, given the facts and circumstances as noted above.
11. Since the learned counsel for the petitioner has vehemently argued that the fee being paid requires a relook we leave him with liberty to approach the authorities for reconsideration of the fee being paid to him, which may be considered by the authorities.
12. The writ application is disposed of.
13. The learned counsel has submitted that there are some arrears due to the petitioner. Since there was no material before the Tribunal nor in these proceedings, we do not wish to enter into this aspect of dispute, and leave it to him to agitate this issue also in his representation which he may file.

14. Urgent Photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all necessary formalities.

(MADHURESH PRASAD, J.)

(SUPRATIM BHATTACHARYA, J.)

B.K.N.
A.R. (Court)