

12.03.2026
Ct. No. 30
S.L. No. 11
SM

WPA 3129 of 2023
With
IA No.: CAN 1 of 2025
Anjan Kr. Nayak
Versus
The State of West Bengal & Ors.

Mr. Koushik Banerjee
.....for the petitioner
Ms. Tuli Sinha
.....for the Applicant/State respondent

1. Affidavit-of-service filed by the State be kept with the record.
2. CAN 1 of 2025 is moved by the State praying for direction to expunge the name of the respondent no. 4 (National Iron & Steel Company) from the present writ petition.
3. On hearing the learned counsels for the parties and on perusal of the materials on record and the issue involved in the writ application this Court finds that no relief is prayed for in respect of the said respondent no. 4 but the presence of the said respondent in the writ application is necessary for proper adjudication of the writ application.
4. Accordingly, CAN 1 of 2025 stands rejected and is accordingly disposed of.
5. The present writ application has been preferred for direction upon the respondents to act in terms of Memo No. 9008/F(P) dated 16.09.2011, Memorandum being No. 4011/F(P) dated 20th May,

2013 and Finance Department's Memo No. 1107-F(P) dated 25.02.2016 and to pay arrears to the petitioner in terms of Memo No. 9008/F (P) dated 16.09.2011, Memorandum being No. 4011/F (P) dated 20th May, 2013 and Finance Department's Memo No. 1107-F(P) dated 25.02.2016.

6. In course of hearing, an order in a similar case passed by a Coordinate Bench in WP 5694(W) of 2018 vide order dated 12.11.2018, has been relied upon.

7. Vide the said order the Coordinate Bench granted the benefit of the circular dated 25.02.2016 to the petitioner therein along with arrears.

8. The petitioner herein joined National Iron & Steel Company (1984) Limited, a State Government undertaking on 11/13/07/2001 and rendered continuous service till 15.01.2016.

9. The petitioner thereafter was redeployed in the office of the District Magistrate, North 24 Parganas at Barasat.

10. It is the contention of the State that the petitioner's initial engagement with National Iron & Steel Company was not against any sanctioned post and that the petitioner is not directly engaged by the office of the District Magistrate concerned.

11. It appears that the Circular dated 16th September 2011 was meant to provide benefits akin

to permanent employment without however terming them as permanent employees under the State. The circular dated 26.02.2016 refers to the 2011 circular.

12. From the materials on record, it appears that the petitioner has been continuously engaged since 2004 and re-deployed under the office of the District Magistrate, North 24 Parganas. His services has been used by the State for a long period and, as such, the contention of the State that the original engagement is not regular is discretionary and arbitrary as held by the Coordinate Bench violative of Articles 14 and 16 of the Constitution.

13. Considering the observations of the Coordinate Bench and the materials on record, the writ petition is allowed.

14. It is directed that the petitioner shall be afforded the benefit of the aforesaid Circular dated 25.02.2016 and shall be paid his current emoluments on the revised scale as proposed therein. The petitioner shall also be entitled to arrears of any wages and emoluments payable to him on and from 25.02.2016.

15. **WPA 3129 of 2023** is accordingly **disposed of**.

16. There will be no order as to costs.

17. All connected applications, if any, stand disposed of.

18. Interim order, if any, stands vacated.

19. Urgent photostat certified copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance of all necessary formalities.

[Shampa Dutt (Paul). J]