

Form No.J(2)

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

Present :

The Hon'ble Justice Raja Basu Chowdhury

WPA 4816 of 2026

**JOYDEB DAS
VERSUS
THE STATE OF WEST BENGAL & ORS.**

For the petitioner	:	Mr. Subhrangsu Panda Mr. Sumitabha Chakraborty Ms. Bratati Pramanick Ms. Haritri Roy Mr. Anupam Singha Mr. Ratul Ghoshal
For the Respondent/State	:	Ms. Mitali Mukhopadhyay Ms. Reshmi Rehman
For the Respondent/Joynagar : Municipality.	:	Mr. Habibur Rahaman Mr. Arelishman Singh Ms. Mehabuba Rahaman
Heard on	:	25.03.2026
Judgment on	:	25.03.2026

Raja Basu Chowdhury, J (Oral):

1. Affidavit of service filed in Court today be taken on record.
2. The present writ petition has been filed for disbursal of terminal benefits in favour of the petitioner.

3. The petitioner was initially appointed as a Casual worker under Section 66(4) of the Bengal Municipal Act, 1932 vide a resolution taken by the Joynagar-Mojilpur municipality on 22nd March, 1990. Later the Directors of local bodies had accorded approval under Section 54(3) of the West Bengal Municipal Act, 1993 for creation of 30 posts under Joynagar-Mojilpur Municipality and the petitioner's appointment was also approved by showing that he was approved as an Upper Division Clerk. The Director of local bodies having later realized their mistake in giving direct approval to the petitioner in the post of Upper Division Clerk which was impermissible as per the service rules, by an office order dated 21st September, 2001 had cancelled the approval.
4. The petitioner did not challenge the cancellation order. Records would, however, reveal that some of the casual employees who had been regularized and approved vide the order dated 14th January, 2000 had approached this Court seeking implementation of such order as according to them despite the above order the Municipality had not taken any step.
5. The matter ultimately went up before the Appeal Court in MAT 912 of 2006 and Hon'ble the Division Bench of this Court then presided over by Hon'ble Justice Bhaskar Bhattacharya by order dated 17th July, 2006 was, *inter alia*, pleased to observe that since the petitioners though casual workers are deemed to be working in

sanctioned posts, with the approval from the Governor from 14th January, 2000, and delay in giving formal letter of appointment long after five years cannot take away the right of the appellants of the benefit of service which has since been approved by the Governor five years ago. Accordingly, the Hon'ble Court directed that the petitioners therein be treated as regular employees of the Municipality with effect from 14th January, 2000. The petitioner claims that pursuant to the above order, date of appointment of those petitioners were altered.

6. Subsequently, however, the matter was taken up by the Director of local bodies as regards the approval of appointment of the petitioner in the Municipality. In the interregnum, however, the petitioner retired from the post of Head Clerk on 31st March, 2025. Consequent upon his retirement he has sought for disbursal of his retiral benefits. The petitioner in support of his contention has, however, placed before this Court an order passed by the Director of local bodies dated 4th May, 2018 whereby the Governor had accorded approval under Section 54(3) of the West Bengal Municipal Act, 1993 to the appointment of the petitioner to the post of Head Clerk on promotion under Joynagar-Mojilpur Municipality with effect from the date of joining in the said post.
7. Having heard the learned advocates for the parties and noting that the petitioner had continuously worked with the municipality, and noting that although he had initially been accorded approval,

however, later by order dated 21st September, 2001, his approval was cancelled only because approval directly to the post of Head Clerk was not permissible. However, subsequently by order of the Director of Local Bodies his appointment on promotion to the post of Head Clerk vide order dated 4th May, 2018, was approved. As such by treating the aforesaid letter to be an approval of the petitioner in the services of Municipality, I direct the Director of local bodies to process the Municipality's application to take follow up action in furtherance vide letter dated 5th March, 2025 issued by the municipality towards disbursal of benefits payable in favour of the petitioner. Let a decision in this regard be taken by the Director of local bodies within a period of four weeks from the date of communication of this order by noting that the Director of local bodies has already accorded approval to the petitioner for appointment on promotion to the post of Head Clerk. As such, in my view, it is deemed that the petitioner's service has been approved by the Director of local bodies at the first instance.

8. Accordingly, the instant writ petition being WPA 4816 of 2026 stands disposed of.
9. All parties shall act on the basis of server copy of this order duly downloaded from the official website of this Court.

(Raja Basu Chowdhury, J.)

Asraf
A.R. (Court)