

S/L 8
21.05.2026
Court No.18
SD

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 11241 of 2026

Dr. Nikhil Kumar Ghorai

Vs.

State of West Bengal & Ors.

Mr. Firdous Samim

Ms. Gopa Biswas

Ms. Salini Bhattacharjee

Ms. Hena Sardar

Mr. Hasanauz Zaman Molla

...for the Petitioner.

Ms. Tapasi Sinha (Palit)

...for the Respondent Nos.6-7.

1. Affidavit of service filed by in Court today be kept with the records.

2. The petitioner was serving as a Medical Officer attached to the district hospital at Darjeeling. He alleges that he was prevented from joining his duty from March 2018 till his date of superannuation on April 30, 2025. He has not been paid his salary since March 2018.

3. After his superannuation, he has not received his terminal dues. A representation was filed before the Director of Health Services and the State respondents. None has been answered till date.

4. Prayer has been made to direct the respondent authorities to release his arrear salary and allowances, terminal dues including pension and gratuity along with interest.

5. From the documents annexed to the writ petition, it appears that the petitioner was issued a notice for personal appearance before the Director of Health Services on March 5, 2025 for a hearing.

6. Learned advocate for the petitioner submits that the petitioner was duly present and attended the hearing on the scheduled date and time, but the fate of the hearing has not been made known to him till date.

7. It has been submitted that the petitioner is suffering from cancer and he is undergoing regular medical treatment which is extremely expensive. He was compelled to mortgage his personal house for obtaining loan to continue with his treatment.

8. None represents the State respondents.

9. It appears that a notice was issued upon the petitioner for vacating the Government quarter. Aggrieved by the steps taken by the authority in issuing such notice for evicting the Government quarter, the petitioner approached the West Bengal Administrative Tribunal by filing original application being OA 505/2019 which was heard and disposed of by the Tribunal on January 17, 2020 by setting aside the eviction orders dated September 18, 2018 and June 12, 2019 clearly holding that the said orders had been issued without following any legal provisions or rules of eviction.

10. As the petitioner has already superannuated from service, accordingly, the question of eviction of the petitioner from the Government quarter does not arise at this stage.

11. The petitioner has filed a detailed representation before the Director of Health Services which is alleged to be kept pending.

12. As the State respondents are not represented and the petitioner's representation before the Director of Health Services is pending consideration, accordingly, no useful purpose will be served by keeping the instant writ petition pending.

13. The writ petition stands disposed of by directing the Director of Health Services to consider the petitioner's representation annexed at pages 88 and 89 of the writ petition strictly in accordance with law, and if required, after granting an opportunity of hearing to the petitioner and thereafter pass a reasoned order in the matter. The said reasoned order shall be communicated to the petitioner.

14. Steps shall be taken at the earliest but positively within a period of four weeks from the date of communication of this order.

15. If the prayer of the petitioner is allowed, then necessary consequential steps for releasing his legal dues along with interest shall be taken by the authority without any further delay.

16. Learned advocate representing the petitioner is directed to forward a copy of the subject representation at pages 88 and 89 of the writ petition along with all other supporting documents to the aforesaid respondent at the time of communicating the order of the Court.

17. Parties to act on the basis of the server copy of this order duly downloaded from the official *website* of this Court.

18. Certified copy of this order, if applied for, shall be made available to the parties.

(Amrita Sinha, J.)