

27th April, 2026
(D/L No.26)
Ct. No.4
(SKB)

W.P.S.T. 186 of 2025

Kamal Ray
Versus
The State of West Bengal and others

Mr. Sudhir Kumar Bhowmik,
Ms. Arena Bhowmik
... for the petitioner.

Mr. Pinaki Dhole,
Mr. Avishek Prasad
... for the State.

1. Heard the learned advocate for the writ petitioner and the learned State advocate.
2. The writ petitioner is claiming a fixed remuneration of Rs.6,600/- per month. The same was denied to the petitioner by alleging that he was a temporary Group-D staff. The engagement being not in a permanent basis and, therefore, he has rightly been placed in a fixed pay of Rs.5,000/- per month.
3. The writ petitioner has been engaged as a part-time Group-D staff in the Cooch Behar Polytechnic since 17.11.2005. The respondents alleged that the engagement was temporary and subject to rest of 2 or 3 days in between the various engagements made throughout, the last more than two decades.
4. The writ petitioner filed an exception to the stand of the respondents wherein they stated

that other similarly situated as the petitioner, who were also temporary Group-D staff in Falakata Polytechnic were awarded Rs.6,600/- fixed pay per month because despite similar nomenclature of their engagement,, the nature of work being performed by them was more or less full time. This fact was stated by the respondents in their report filed under the signature of the Director-in-Charge, Directorate of Technical Education and Training.

5. The writ petitioner in his exception to the report asserted with reference to several orders showing duties being assigned to the petitioner, from which, it is apparent that the petitioner's duties was not part time; and was integral to a day to day functioning of the polytechnic-in-question. The petitioner, therefore, was similarly situated as the part-time Group-D workers of Falakata Polytechnic. The petitioner was deprived the benefit of fixed pay Rs.6,600/- per month on the basis of an artificial distinction.
6. Therefore, we earlier adjourned the matter to enable the learned State advocate to take instructions in this regard. We are informed that despite endeavours being made no instructions is forthcoming from the respondents. No

material was placed to show that the petitioner was not similarly situated as the Group-D workers of Falakata Polytechnic.

7. We, therefore, find no reason to continue to treat the petitioner different from the Group-D temporary staff of Falakata Polytechnic, who also are working under the nomenclature of temporary Group-D staff but performing duties integral to the functioning of the Polytechnic, in the nature of full time duties. The petitioner, therefore, is held entitle to the same fixed pay of Rs.6,600/- per month. The respondent no.2 is directed to extend such benefit to the petitioner within four weeks from the date of receipt/production of a copy of this order.
8. The writ petition is allowed in these terms. Accordingly, the order of the Tribunal rejecting the petitioner's claim is set aside.

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)