
(2018) 12 CAL CK 0126
In the Calcutta High Court
Case No : Writ Petition No. 25609 (W) Of 2018

Sumit Kumar Mukherjee & Ors

APPELLANT

Vs

State Of West Bengal & Ors

RESPONDENT

Date of Decision : 19-12-2018

Acts Referred:

Citation : (2018) 12 CAL CK 0126

Hon'ble Judges : Arijit Banerjee, J

Bench : Single Bench

Advocate : Udaynarayan Betal, Asok Kumar Bandyopadhyay, Talek Siddique

Final Decision : Disposed Off

Judgement

Affidavit of service filed in court today be kept with the record Having been successful in the interview conducted by the Appointment Selection Committee of West Bengal State Marketing Board and pursuant to the Memo No. 286 dated 31.01.2011 issued by the Chief Executive Officer, West Bengal State Marketing Board the petitioner nos. 1 to 4 and 6 to 9 were appointed as Group- D Staff and petitioner no. 5 was appointed as Group-C Staff on regular basis in the Bolpur Regulated Market Committee in February 2011, now Birbhum Zilla Regulated Market Committee. One of the conditions of appointments was that Group-C Staff would be paid monthly consolidated salary of Rs. 5500/- per month and Group-k D Staff would be paid Rs. 4500/- per month for an initial period of six months, pending police verification report and medical fitness certificate. Thereafter, they would be placed on appropriate scale of pay at par with the government scale with corresponding grade pay. Similarly situated eight other Group-D employees were appointed in Burdwan Regulated Market Committee. Since even after completion of six months, the Government Scale was not made applicable to such appointees, five appointees approached this court by filing five writ petitions. The said writ petitions were taken up for hearing and were disposed of by an order dated 8th May 2018 by a learned Single Judge, the operative portion whereof reads as follows:-

"In those circumstances, West Bengal State Marketing Board is hereby directed within a period of two weeks from the date of the communication of this order to take a decision in accordance with law on the release of pay and allowances including arrears to the writ petitioners.

Upon such decision being taken and if taken in favour of the release of such fixed pay, the Burdwan Zilla Regulated Market Committee shall release the dues of the writ petitioners including arrears within a period of one months of passing of the order by the Board."

Pursuant to such order, the West Bengal State Agricultural Marketing Board passed an order dated 21st June 2018 to the effect that the said petitioners in the earlier writ petitions may be regularized in the scale of Rs. 4900-16,200/- with Grade Pay of Rs. 1700/- with effect from the date after completion of a period of six months from the date of their joining or from the date of receipt of satisfactory police verification report and medical fitness certificate, whichever is later. The present petitioners contend that they are identically placed and same benefit should be made available to them.

In this connection, it may be noted that out of 220 appointments made at the relevant point of time, sixteen were found to be invalid by an Enquiry Committee. 204 candidates were found to be validly appointed.

Learned counsel for the petitioners refers to an affidavit affirmed on behalf of the State Government in connection with W.P. No. 4077 (W) of 2015, which was one of the writ petitions filed earlier by one of the appointees wherein the State Government has pointed out the various Regulated Market Committees to which the sixteen appointees belonged whose appointments were found to be invalid. Though the said Regulated Market Committees include engagement of two contingent workers in Bolpur Regulated Market Committee, yet the appointments of the petitioners were not invalid as they are consolidated payee regular employees.

Be that as it may, I direct the Chief Executive Officer, West Bengal State Agricultural Marketing Board, being the respondent no. 3 to take a decision in accordance with law on the release of pay and allowance including arrears to the present writ petitioners within a period of six weeks from the date of communication of this order. Upon such decision being taken and if such decision is in favour of the petitioners, the Birbhum Zilla Regulated Market Committee shall release the dues of the petitioners including arrears within a period of six weeks of passing of the order by the respondent no. 3.

No useful purpose will be served by keeping the writ petition pending.

Since I have not invited affidavits, the allegations contained in the writ petition are deemed not to be admitted by the respondents.

W.P. No. 25609 (W) of 2018 is accordingly disposed of. Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.