

06.04.2026
Item no. 16
Court no. 30
g.b.
266012

WPA 5225 of 2026

Tarak Biswas & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Bikash Shaw
Sk. Saad Islam
..... For the Petitioners
Mr. Susanta Paul
.....For the State

- 1.** 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 and Finance Department's Memo No. 1091-F(P2) dated 01.03.2024 and Finance Department's Memo No. 1107-F(P).
- 2.** 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.
- 3.** Vide the said order the Coordinate Bench granted the benefit of the circular dated 25.02.2016 to the petitioner therein along with arrears.
- 4.** The petitioners herein joined National Iron & Steel Company (1984) Limited i.e. Respondent no.5, a State Government undertaking and rendered continuous service till 07.08.2019. Thereafter the

service of the petitioners was transferred to the Respondent no. 4/company.

- 5.** The petitioners thereafter were redeployed in the office of the District Magistrate, North 24 Parganas at Barasat vide Memo No. 472-LR dated 21.02.2023.
- 6.** 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.
- 7.** 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 01.03.2024 refers to the 2011 circular.
- 8.** From the materials on record, it appears that the petitioner has been continuously engaged 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.

9. Considering the observations of the Coordinate Bench and the materials on record, the writ petition is allowed.
10. It is directed that the petitioner shall be afforded the benefit of the aforesaid Circular dated 01.03.2024 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 01.03.2024.
11. **WPA 5225 of 2026 is accordingly disposed of.**
12. There will be no order as to costs.
13. All connected applications, if any, stand disposed of.
14. Interim order, if any, stands vacated.
15. 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.)