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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 19260 of 2021

West Bengal Fast Track Court
Employees' Association & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Kallol Basu,
Mr. Suman Banerjee,
.... For the petitioners.

Mr. S. N. Mookherji, Ld. A.G.,
Mr. Tapan Kumar Mukherjee,
Mr. Pinaki Dhole,
Ms. Debdooti Dutta,
Mr. Avishek Prasad
... For the State.

Mr. Jaydip Kar, Sr. Advocate,
Mr. Siddhartha Banerjee
... For the High Court Administration.

The petitioners have been appointed on *ad hoc* and also on contractual basis in different designation in the Fast Track Court of the District Judgeship, all over West Bengal in terms of a selection process. The petitioners say that they have been engaged pursuant to the orders passed by the Hon'ble Supreme Court of India for providing infrastructural support for smooth functioning of Fast Track Court. The petitioners also say that they have been working for several years and most of them have surpassed the maximum age limit permitted for regular appointment in the sanctioned posts against which they have been working on *ad hoc* and contractual basis.

The petitioners are seeking regularization of their appointment against sanctioned posts as also equal pay for equal work

It further appears that the West Bengal District Court (Constitution of Service, Recruitment, Appointment, Probation and Discipline of Employees) Rules, 2015 which is, however not applicable to persons appointed on contract basis or appointed otherwise than in accordance with recruitment rules. The 2015 rules have been brought into force through Gazette Notification with effect from 6th July, 2021.

On behalf of the State it is submitted that under the said Rules there is no scope for regularizing the petitioners, admittedly appointed on contractual basis. A question, therefor, arises as to the applicability of the 2015 Rules particularly when the petitioners have been appointed by a selection process conducted subsequent to directions given by Court.

Despite intervention of the learned Advocate General, the impasse cannot be resolved.

The petitioners say that a proposal has been given by the Government permitting the petitioners to work upto 60 years and at the time of retirement they will be receiving a lump sum amount of Rs.3,00,000/-. So far as permitting the petitioners to work upto 60 years is

concerned the same is acceptable to the petitioners but non-regularization and payment of lump sum amount at the time of retirement is not acceptable. The petitioners, therefor, insist upon regularization and also equal pay for equal work.

In the aforesaid facts and circumstances, the matter requires to be heard on affidavits.

Let affidavit-in-opposition be filed within a period of six weeks from date. Reply thereto, if any, shall be filed within two weeks thereafter.

Liberty to mention for inclusion in the list under the heading, "Hearing" after expiry of time provided for filing of affidavits, if no affidavits are filed.

It is made clear that any step taken in respect of the issues involved in the writ petition during the pendency of the writ petition shall abide by the result of the writ petition.

This writ petition will be heard analogously along with WPA 3551 of 2022.

(Arindam Mukherjee, J.)