



IN THE HIGH COURT AT CALCUTTA

CIVIL APPELLANT JURISDICTION
[CIRCUIT BENCH AT PORT BLAIR]

PRESENT: THE HON'BLE JUSTICE SABYASACHI BHATTACHARYYA

AND

THE HON'BLE JUSTICE SMITA DAS DE

MAT/73/2026

IA NO.CAN/1/2026, IA NO.CAN/2/2026

SHRI S.S. JAGANATH RAO ... APPELLANT

VS.

THE HON'BLE LIEUTENANT GOVERNOR
AND OTHERS ... RESPONDENTS

For the appellant : Mr.Gopala Binnu Kumar, Adv.

For the respondents : Mr. Rakesh Kumar, Adv.

Heard on : April 23, 2026

Judgment on : April 23, 2026

SABYASACHI BHATTACHARYYA, J.

1. The ambit of the present appeal is limited. As such, we take up the appeal itself for disposal at the admission stage upon putting on notice learned counsel for both the parties.

2. By the impugned order, learned Single Judge relegated the appellant to the “appropriate forum” to pray for the reliefs as sought in the writ petition, on the ground of availability of alternative remedy.



3. Learned counsel for the appellant argues that it will be evident from the second paragraph of the impugned judgment that the writ petitioner/appellant had prayed for a direction on the respondent-authorities to accord the benefit of the policy decision taken by the A&N Administration vide Office Memorandum dated September 22, 2017 by according the benefit of 1/30th of pay plus dearness allowance to the petitioner/appellant on and from 1st September, 2017 to 27th December, 2022 with interest for discharging the duties and responsibilities of regular employee for eight hours a day. Although a prayer for reinstatement was also made, learned counsel submits that the Writ Court had ample jurisdiction to direct the respondent-authorities to comply with their own Office Memorandum and grant the benefits as sought to the petitioner.

4. Learned counsel appearing for the respondent-authorities submits that in view of the stress of the prayers made by the writ petitioner being on the regularisation aspect of the matter, the writ Court was justified in relegating the matter to the appropriate labour forum.

5. Although learned counsel for both sides seek to argue on the merits of the case, we deliberately do not take note of the same, since if we do so, it will prejudice the Writ Court, in view of the order which we propose to pass.



6. Upon a careful perusal of the materials before us, including the recording of arguments in the impugned order itself, this Court is convinced that the Writ Court, while exercising the prerogative writ jurisdiction under Article 226 of the Constitution of India, had ample power to redress the remedies sought by the writ petitioner, particularly in view of the fact that the writ petitioner/appellant comes from the marginalized sections of society, having worked in the capacity of DRM as a sweeper with the Sri Vijaya Puram Municipal Council, due to which he ought not to have been relegated to a further litigation.

7. Accordingly, on such limited point, MAT/73/2026 is allowed on contest, thereby setting aside the impugned judgement dated December 19, 2025 passed in WPA/652/2024 and remanding the matter to the Writ Court for an adjudication of the merits of the prayers made by the appellant, in particular the prayer regarding according the benefit of the policy decision vide Office Memorandum dated September 22, 2017 in respect of 1/30th of pay plus dearness allowance to the petitioner/appellant.

8. We, however, make it abundantly clear that we have not entered into the merits of the respective contentions of the parties at all and it will be open to the learned Single Judge taking up the writ application



to decide all issues between the parties independently and in accordance with law.

9. CAN/1/2026 and CAN/2/2026 are also disposed of consequentially.

10. There will be no order as to costs.

11. Urgent Photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(SABYASACHI BHATTACHARYYA, J.)

I agree

(SMITA DAS DE, J.)