

12.12.19
Sl.No.03
Ct. No.01
Krishnendu

CALCUTTA HIGH COURT
In the Circuit Bench at Jalpaiguri

W.P.A. No. 803 of 2019

In re: Badiyat Jaman Sarkar
-Vs-
State of West Bengal & Ors.

Mr. Tridib Chakraborty
For the Petitioner
Mr. Bikramaditya Ghosh
Mr. Momenur Rahaman
For the State

Affidavit of service filed by the petitioner be kept on record.

As prayed for, leave is granted to the petitioner to implead the Joint Secretary to the Government of West Bengal, Panchayat and Rural Development Department as a party respondent to the present writ petition.

The learned advocate on record of the petitioner is directed to effect necessary correction in the cause title of the petition.

As Mr. Ghosh, learned advocate appearing for the State can also appear for the Joint Secretary, service of a fresh copy of the writ petition upon the said added respondent is dispensed with.

Mr. Chakraborty, learned advocate appearing for the petitioner submits that the petitioner was appointed as a casual/daily rated worker under Jiranpur Gram

Panchayat (in short, the said Panchayat) on 31.07.2008 and is discharging his services till date. In order to provide security of tenure, appropriate emoluments and certain terminal benefits, the State adopted a decision to extend certain facilities to the casual/daily rated/contractual workers vide memo dated 16.09.2011. The petitioner's name was duly forwarded to the respondent no.3 by the Pradhan of the said Panchayat thrice as would be explicit from the documents annexed at pages 25, 26 and 27 of the writ petition. Surprisingly thereafter by a memo dated 18.09.2019 issued by the Joint Secretary to the Government of West Bengal, Panchayat and Rural Development Department only eighteen persons were picked up and extended the benefits under the circular dated 16.09.2011.

He further submits that the casual workers whose names are at serial nos.6, 11, 15 and 16 in the memo dated 18.09.2019 are junior to the petitioner. No explanation is forthcoming as to why the petitioner has been excluded and deprived of the benefits.

Mr. Ghosh, learned advocate appearing for the State respondents submits that the petitioner does not fulfil all the conditions as stipulated in the government order dated 16.09.2011 and as such no interference is called for.

Heard the learned advocates appearing for the respective parties and considered the materials on record.

From the averments, it appears that the petitioner has been discharging his services since the month of July, 2008 and it needs to be ascertained as to whether he fulfils the conditions stipulated in the circular dated 16.09.2011 and as to whether persons junior to the petitioner have been extended the benefits.

In view thereof, the writ petition is disposed of with liberty to the petitioner to submit a detailed representation, enclosing all relevant documents to the added respondent no. 4 within a period of three weeks from date.

Upon receipt of the said representation, the respondent no. 4 shall consider the same, upon granting an opportunity of hearing to the petitioner and take a decision, in accordance with law and communicate the same to the petitioner within a period of six weeks thereafter.

It is made clear that the respondent no. 4 would be at liberty to call for all necessary records from the authorities of Jiranpur Gram Panchayat for consideration of the petitioner's claim.

There shall, however, be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the learned advocates for the

appearing parties upon compliance of all necessary formalities.

(Tapabrata Chakraborty, J.)