

Item No. 11

21.12.2020
Ct. No.24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
(Via Video Conference)

WPA No. 9247 of 2020

Tanmoy Biswas

v.

The State of West Bengal & Ors.

Md. Sarwar Jahan

Mr. Arif Mandal

... for the petitioner.

Ms. Chaitali Bhattacharyya

Mr. Subhendu Roychowdhury

... for the State respondents.

The petitioner was serving as a Skilled Technical Person in the Kedarchandpur-II Gram Panchayat on and from March 22, 2012. The petitioner was implicated in a criminal case in the year 2019 and he was not allowed to perform his duties.

The petitioner approached this Court and obtained an order for anticipatory bail and pursuant to the order passed by the Court he deposited a sum of Rs. 2,77,400/- without prejudice of his rights and contentions.

After being enlarged on bail the petitioner approached the authority for resumption of his duties but the respondent authorities restrained the petitioner from joining.

The petitioner made representation before the authority on December 27, 2019 followed by a reminder

dated March 2020. None of them has been answered till date.

The learned advocate for the respondents does not have any instruction in the matter.

Be that as it may, as it appears that the prayer of the petitioner for resumption of duties is pending consideration at the end of the District Panchayat and Rural Development Officer, Murshidabad, no useful purpose will be served by keeping the writ petition pending. The same is accordingly disposed of by directing the respondent no. 5 to take a decision with regard to the prayer of the petitioner for resumption of duty, strictly in accordance with law, within a period of six weeks from the date of communication of a copy of this order. The said respondent shall pass a reasoned order and communicate the same to the petitioner immediately thereafter.

It is made clear that this Court has not gone into the claim of the petitioner and all points are left open to be decided by the said respondent at the time of consideration of the representation of the petitioner.

WPA No. 9247 of 2020 stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.