

WPA 10149 of 2020

**Susanta Dutta
Vs.
The State of West Bengal & Ors.**

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Ms. Suman Sehanabis Mondal
... For the Petitioner

None appears on behalf of the respondents, despite service.

The petitioner was engaged in service of the gram panchayat sometime in the year 1990 on 'no work no pay' basis as Work Assistant of JRY scheme.

By an order bearing memo no. 159/I-1(b) dated 10th February, 2009 the District Panchayat & Rural Development Officer, Coochbehar passed an order that as the petitioner fulfilled all the conditions, his service should be regularised and he should be appointed in the post of Gram Panchayat Karmee.

As the regularization order was not implemented, the petitioner approached this Court by filing a writ petition. The Court by an order dated 3rd September, 2010 passed in WP 19075(W) of 2009 was pleased to direct the authority to take steps for regularizing the appointment of the petitioner.

By the time the order could be implemented the petitioner was implicated in a criminal case. In view of the pendency of the criminal case the authority did not take steps to regularise the service of the petitioner.

The petitioner once again approached this Court by filing a writ petition being WP 12575(W) of 2012. The Court by an order dated 18th April,

2013, however, dismissed the same.

The criminal case which was pending against the petitioner stood dismissed by a judgment dated 5th March, 2020 passed by the learned District and Sessions Judge, Coochbehar in Sessions Case No. 30/2015. After dismissal of the said criminal case the petitioner approached the authority for resumption of duty and regularising his service by making a representation on 13th July, 2020.

The petitioner alleges that his prayer is yet to be considered by the respondent authority.

The petitioner submits that he has not been allowed to join in service, even though he has been acquitted from the criminal case and discharged from the bail bond.

As it appears that the criminal case which was pending against the petitioner, has resulted in acquittal there ought not to be any impediment on the part of the respondent to permit the petitioner to join service and to regularise his service pursuant to the decision taken by the District Panchayat & Rural Development Officer, Coochbehar, bearing Memo No. 159/1-1(b), as far back as on 10th February, 2009.

As it appears that the representation filed by the petitioner praying for permission to rejoin and regularization of his service is pending for consideration at the end of the respondent authority, the writ petition is disposed of by directing the respondent nos. 3 & 4 to consider the representation made by the petitioner strictly in accordance with law and pass a reasoned order within a period of six weeks from the date of communication of a copy of this order and to communicate the same to the petitioner immediately thereafter.

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

WPA 10149 of 2020 is disposed of.

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

(Amrita Sinha, J.)