

S/L 9
17.08.2021
Court. No. 19
GB

WPA 2074 of 2021

Gouri Shankar Mahato
Vs.
The State of West Bengal & ors.

(Through Video Conference)

Mr. Siva Prasad Ghosh.

...for the Petitioner.

*Mr. Manas Kundu,
Mr. Mansoor Alam.*

...for the State.

Leave is granted to the petitioner to correct the cause title with regard to the description of the respondent no.7.

The petitioner is aggrieved by the resistance shown by the Pradhan of Chirudih Gram Panchayat, respondent no.7, when the petitioner has tried to sign the attendance register subsequent to his reinstatement. Pursuant to the order of this Court dated February 11, 2021, the District Magistrate Purulia, gave a hearing to the petitioner and passed a reasoned order, inter alia, directing that the petitioner must be reinstated as a Village Level Entrepreneur (VLE) by the Chirudih Gram Panchayat.

According to the petitioner, although the petitioner has been reinstated and he has been attending office regularly since October 13, 2020, the Pradhan of Chirudih Gram Panchayat is not allowing the petitioner to sign the attendance register. The incentives payable to the petitioner subsequent to such reinstatement have also not been

released. Aggrieved, the petitioner filed this writ petition. It appears that the petitioner filed representations before the District Magistrate as also the Additional District Magistrate but those have not been disposed of.

Mr. Kundu, learned advocate appears on behalf of the State respondents and submits that the State respondents are not responsible for releasing the incentives, which have been claimed by the petitioner. Mr. Kundu further submits that the incentives cannot be given for the period when the petitioner was not in the employment of the Gram Panchayat. That the order of reinstatement was passed in 2020. The petitioner being a daily wage earner cannot claim any payment for the period when he was not performing the duties under the Gram Panchayat.

The Panchayat authorities are not appearing although they have been served.

Under such circumstances, the District Magistrate, Purulia shall consider the grievances of the petitioner in accordance with law by disposing of the representation dated November 9, 2020, being Annexure P-15 to the writ petition.

The District Magistrate shall give a hearing to the petitioner's representative as also to the Pradhan of the concerned Gram Panchayat and pass a reasoned order in accordance with law. The order should be communicated to all concerned.

This Court has not gone into the merits of the claims of the petitioner and the District Magistrate shall decide the issues in accordance with law.

The entire exercise shall be completed within a period of 12 weeks from date of communication of this order.

The petitioner was a daily wage earner and was terminated on September 30, 2013. The termination of the petitioner and the allegations with regard to the termination and entitlement to incentive during the period he was not working cannot be re-opened as the same has resulted in re-instatement but there was no direction for payment during the period when he was not working. Non-payment of present dues shall be looked into by the District Magistrate.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)