

09-03-2021

ct no. 13

Sl.157

pk

**WPA 5870 of 2021
(Through Video Conference)**

**Sougata Pati & Ors.
Versus
The State of West Bengal and others**

**Mr. Kaushik Dey,
Mr. Soumyajit Mishra**

...for the petitioners

**Mr. Tapan Kumar Mukherjee, Ld. AGP
Mr. Somnath Naskar**

... for the State.

The petitioners claim to be functioning as Jibika Sevak in various Gram Panchayats in various districts in the State of West Bengal. They are admittedly engaged under the contract for a period of one year. The said contract has been renewed from time to time and the petitioners are discharging functions since 2009-2010.

The petitioners have two-fold grievances. Firstly, they have not been paid remuneration since July, 2017. The petitioners also claim that they are entitled to be regularised in the permanent service of the State of West Bengal or should be given the benefit of Memorandum No. 9008F(P) dated 16th September, 2011 issued by the Finance Department, Government of West Bengal and all modifications thereof.

Secondly, that payable arrears of remuneration have been admitted by the respective Zilla Parishad and/or Panchayats under which they are functioning.

Counsel for the State submits that the petitioners do not come within the scope of the circular of the Finance Department, Government of West Bengal dated 16th September, 2011 since they were under contractual engagements and in posts not sanctioned by the State.

The petitioners have made representations to various Gram Panchayats and Zilla Parishads as also to the Panchayat and Rural Development Department, Government of West Bengal.

In those circumstances, the Additional Chief Secretary, Panchayat and Rural Development Department, Government of West Bengal being respondent no.2 herein shall consider the claims of the petitioners treating the writ petition itself as a representation within a period of four months from the date of communication of a copy of this order.

The petitioners shall be entitled to engage two authorised representatives before the respondent no.2.

It is made clear that only two persons shall appear before the respondent no.2 on behalf of the petitioners and the others may not

attend the hearing. The said two persons shall be entitled to be heard by the respondent no.2 herein before passing any order as directed hereinabove. The respondent no.2 shall proceed independently and in accordance with law.

The respondent no.2 shall pass a reasoned order and the same may be communicated to the petitioner within fifteen days thereof.

Let a copy of the writ petition along with a copy of this order be served on the respondent no.2 by the petitioners expeditiously.

Wit the aforesaid observations, the writ petition is disposed of.

There shall be no order as to costs.

Photostat certified copy of this order, if applied for, be given to the parties upon compliance of all formalities.

(Rajasekhar Mantha, J.)