

Ct. 04
Item No.278
06.08.2021
(suvendu)

MAT 578 of 2021
With
IA No. CAN 1 of 2021
(Via Video Conference)

Partha Barui
Vs.
Kartick Sarkar & Ors.

Mr. Sarwar Jahan
.....for the appellant

Mr. Jahan, learned advocate appears on behalf of the applicant in support of the stay application.

The appeal arises out of order dated 13th April, 2021, by which the writ petition was disposed of. Mr. Jahan submits, his client was respondent no. 10 in the writ petition. On a contractual worker with designation Village Level Data Entrepreneur (VLE) having resigned, his client was appointed by the Gram Panchayat as ratified by the Block Development Officer (BDO). He relies on sub-section (2) in section 35A of West Bengal Panchayat Act, 1973 to submit, his client's appointment ought not to have been set aside by the writ Court.

We have not required Mr. Jahan to serve respondents.

Said sub-section (2) is reproduced below.

“35A. Engagement of tax collectors and other contractual workers by Gram Panchayat –(1)

.....

.....

(2) The State Government may, by order, empower Gram Panchayat to engage other contractual workers for a specified period, in such manner, and on such terms and conditions as may be prescribed for implementation of schemes under the National Rural Employment Guarantee Act, 2005 (42 of 2005).

(3)

.....

.....”

Mr. Jahan could not produce any order empowering the Gram Panchayat in that regard. As such, we do not find merit in the appeal itself.

The application and appeal are dismissed.

(Arindam Sinha, J.)

(Saugata Bhattacharyya, J.)