

S/L 12
16.08.2021
Court. No. 19
GB

WPA of 12216 of 2021

Prabir Kumar Maiti
Vs.
The State of West Bengal & ors.

(Through Video Conference)

Mr. Golam Mastafa,
Mr. Tarasankar Samanta.

...for the Petitioner.

Mr. Goutam Guria.

...for the Pradhan.

Mr. Raja Saha,
Mr. Biswabrata Basu Mallick.

...for the State.

The petitioner submits that although the Block Development Officer, Mahishadal Development Block directed the concerned Panchayat to use the services of the petitioner as a tax collector and had set aside the resolution by which two additional tax collectors were sought to be engaged by the Itamagra-II Gram Panchayat, the Pradhan and the other officials of the said Gram Panchayat once again adopted a resolution to engage a third person in place of the petitioner for collection of tax by violating the order of the Block Development Officer dated January 21, 2020.

Mr. Saha, learned advocate appearing on behalf of the State respondents submits that an objection has been filed by the petitioner dated July 19, 2021, inter alia, requesting the authority to intervene in the matter in view of the alleged violation of the earlier order dated January 21, 2020 by

which Block Development Officer had specifically restrained the concerned Gram Panchayat from appointing any third person and directed the Gram Panchayat to utilize the services of the petitioner.

Mr. Guria, learned advocate appearing on behalf of the Pradhan submits that no resolution has been adopted to disengage the petitioner as a tax collector.

Be that as it may, as an objection has been raised before the Block Development Officer, Mahishadal Block, the Block Development Officer shall dispose of the objection dated July 19, 2021 in accordance with law upon making an inquiry into the actual state of affairs going on in the Gram Panchayat. Mr. Guria further submits that the order of this Court should not give a protection to the petitioner who may have committed certain acts of indiscipline and misconduct.

This Court has not expressed any view on the question of indiscipline. This order is restricted to a direction upon the Block Development Officer to look into the actual state of affairs as to whether his earlier order which was passed pursuant to a direction of this Court, has been complied with or not. The question of indiscipline and the action to be taken by the employers are matters of service jurisprudence which is not the subject matter here and a Court cannot restrain an employer from proceeding in accordance with law.

The Block Development Officer shall pass a reasoned order and communicate the same to all concerned upon hearing the petitioner and the Panchayat authorities.

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

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All parties are directed to act on the learned advocate's communication.

(Shampa Sarkar, J.)