

S/L 9
10.09.2021
Court. No. 19
GB

WPA 15270 of 2019

Sk. Anowar Ali
Vs.
The State of West Bengal & Ors.

(Through Video Conference)

Mr. N.C. Betal.

...for the Petitioner.

Mr. Avishek Prasad.

...for the State.

The petitioner claims to be a daily rated worker/casual employee in Radhaballav Chak Gram Panchayat under Panskura-I Panchayat Samiti.

The petitioner submits that the circulars issued by the Additional Chief Secretary, Government of West Bengal Finance (Audit) Department dated February 8, 2019 and September 16, 2011 are applicable in case of the petitioner and the petitioner should be given remuneration and other benefit in terms of the said Memo No. 1033-F(P2) dated February 8, 2021.

Mr. Prasad, learned advocate appearing on behalf of the State respondents submits that the eligibility of the petitioner has to be first ascertained before any order is passed making the said circulars applicable in case of the petitioner. According to Mr. Prasad, the matter should be referred to the Block Development Officer, Panskura-I Development Block for consideration of the eligibility of the petitioner to get the remuneration and other benefits in terms of the memorandum dated February 8, 2019 and September 16, 2011.

It appears that the petitioner has already made a representation to the Block Development Officer as also the other authorities sometime in March 1, 2019. The writ

petition is disposed of without going into the merits but with a direction upon the Block Development Officer, Panskura-I Development Block to consider the representation of the petitioner in accordance with law and ascertain whether the memorandum dated February 8, 2019 and September 16, 2011 are applicable in case of the petitioner. The petitioner shall be given a hearing along with the Panchayat authorities and a reasoned order shall be passed.

If it is found that the petitioner is eligible, the case of the petitioner shall be recommended by the Block Development Officer and thereafter the appropriate authority of the State Government shall issue necessary orders in favour of the petitioner. If it is found that the petitioner is not eligible for the said benefits, a reasoned order should be passed and communicated to the petitioner.

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

The petitioner shall forward the representation along with a server copy of this order to the Block Development Officer, Panskura-I Development Block.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

The Block Development Officer shall act on the basis of the server copy of this order.

(Shampa Sarkar, J.)