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07.01.2021.
d.p.

**W.P.A 16117 of 2019
(Via Video Conference)**

**Banamali Chanda
-versus
The State of West Bengal & Ors.**

**Mr. K. C. Das,
Mr. Sk. Sahjahan Ali.
...For the Petitioner.**

None appears on behalf of the State respondents in spite of service.

Mr. Jahar Lal De, learned advocate who usually appears for the State with his junior Mr. Shamim-ul-Bari, is requested to enter appearance on behalf of the State in the matter. Learned Government Pleader is requested to regularize their engagement.

The petitioner is aggrieved by the communication dated 10th June, 2019 wherein it has been mentioned that there are no available papers to show that he was engaged against sanctioned post and accordingly, his prayer for enhancement of remuneration of casual worker has been disallowed.

The petitioner relies upon a communication dated 11th September, 2018 made by the Additional District Magistrate (Dev.), Purba Medinipur to the Joint Secretary, Government of West Bengal, Panchayats & Rural Development Department wherefrom it appears that the petitioner is serving against a sanctioned vacant post of Panchayat Peon on and from 1st February, 2009. According to the petitioner, he is entitled to certain financial benefits if he is serving in

sanctioned vacant post for a considerable period of time.

As it appears that there is a contrary stand taken by the Additional District Magistrate and the Joint Secretary, Government of West Bengal regarding the service of the petitioner against a sanctioned vacant post, the Court considers it fit to remand the matter to the respondent No.2 being the Joint Secretary, Panchayats & Rural Development Department, Government of West Bengal to revisit the issue and take a decision.

The petitioner is granted liberty to file a representation before the said respondent annexing copies of all documents in his support. In the event such a representation is made by the petitioner, the said respondent shall consider the same strictly in accordance with the relevant rules/memorandum/circulars within a period of eight weeks from the date of receipt of the representation.

The said respondent shall pass a reasoned order and communicate the same to the petitioner immediately thereafter.

It is made clear, that this court has not gone into the merits of the case and all points are left open to be decided by the said respondent at the time of consideration of the prayer of the petitioner.

W.P.A. 16117 of 2019 is disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)