

08.04.2021
Ct. No.13
Sl. No.329
akd

W.P.A. 11092 of 2020 *[via video conference]*

[Firoz Sarkar -Vs- The State of West Bengal & Ors.]

Mr. Golam Nure Imrohi
Mr. Debapriya Majumder
Mr. Ashim Debnath
... .. for the petitioner

Ms. Shabana Hasin
... .. for respondent no.8

The petitioner was functioning as a Tax Collector under the Khairamari Gram Panchayat, Jalangi, Murshidabad. By a communication dated 27th January, 2020, the petitioner's service was terminated. The petitioner submits that this termination is illegal. He further submits that the procedure prescribed for termination of his service has not been followed by the Gram Panchayat.

Ms. Shabana Hasin, learned counsel appearing for the respondent no.8 submits that the Gram Panchayat had received complaints from a large number of villagers of acts of omission and commission by the petitioner. It is further submitted that the writ petitioner has been engaged in misappropriation of public money, inter alia, by making false promises and issuing fake identity cards under the MGNREGA scheme.

It, however, appears to this Court that, indeed the prescribed procedure for disengagement and removal of Tax Collectors has not been followed by the said Gram Panchayat.

Hence the Khairamari Gram Panchayat is directed to follow the prescribed procedure for taking steps against the petitioner. The order of termination dated 27th January, 2020

shall be kept in abeyance. The petitioner shall not be assigned any duties until conclusion of proceedings as aforesaid by the Gram Panchayat. The Gram Panchayat shall also take necessary steps, to lodge appropriate proceedings, both civil and criminal, against the petitioner for the acts and complaints received by it against the petitioner.

The new Tax Collectors engaged may be assigned duties by the Gram Panchayat in the meantime.

The complaints against the petitioner and the resolutions of the Gram Panchayat produced by the learned counsel for the respondent no.8 be kept with the record.

With the aforesaid observations, WPA 11092 of 2020 is disposed of.

There shall be no order as to costs.

Urgent photostat certified copy of this judgment, if applied for, be given to the parties upon compliance of all formalities.

(Rajasekhar Mantha, J.)