

S/L 5
17.11.2022
Court. No. 19
GB

W.P.A. 4577 of 2022

Bholanath Sardar
VS
The State of West Bengal & Ors.

Mr. Lakshimi Nath Bhattacharya.

...for the Petitioner

Mr. S. Panda.

...for the State.

The petitioner alleges that the benefits of the subsequent circulars dated July 11, 2016 and July 15, 2019 issued by the Panchayat and Rural Development Department had not been given to the petitioner.

The learned advocate for the State respondents has submitted a report which indicates that the petitioner has been getting his salary and other benefits as per the Memo No.3998-F(P2) dated July 15, 2019, issued by the Deputy Secretary to the Government of West Bengal. It is the specific contention of the petitioner that other similarly situated contractual workers were allowed to continue upto the age of 60 years in the post of 'Gram Panchayat Karmee' and they would also be allowed to retire at the age of 60 with a fixed amount as a retirement benefit. Such benefit was not granted to the petitioner.

The petitioner relies on certain orders issued by the authorities in respect of other casual employees of the Gram Panchayats.

The order passed by the Special Secretary to the Government of West Bengal pursuant to a direction of this

Court in W.P. No.27298(W) of 2015, indicates that the authority had decided that the petitioner would be entitled to the benefits as per Part-IV of Memo No.9008-F(P) dated September 16, 2011 and other subsequent orders issued by the Panchayat and Rural Development Department in this behalf. The petitioner alleges that such order has not yet been implemented by the authorities in its letters and spirit as the other benefits which were granted by the subsequent circulars, were not made applicable in the case of the petitioner.

This Court has not gone into the merits of the claim of the petitioner. The instructions filed by the authority indicate that salary and benefits in terms of the latest circular of July 2019 has been granted. However, the instructions are not clear as to whether the petitioner who was allegedly working since 2009 and whose nature of service was found to be perennial in the earlier rounds of litigation, had been extended all the benefits of the 2019 circular and also the 2016 circular.

Thus, this Court disposes of the writ petition by directing the Special Secretary to the Department of Panchayat and Rural Development, Government of West Bengal to dispose of the representation of the petitioner dated November 26, 2021 in accordance with law, upon granting an opportunity of hearing to a learned advocate, who will represent the petitioner, the concerned District Panchayat and Rural Development Officer as also the Pradhan of the Gram Panchayat, in which the petitioner is

engaged. A reasoned order shall be passed and communicated to all concerned. At the hearing, the learned advocate representing the petitioner shall be entitled to file a further written statement annexing all the relevant documents in support of the petitioner's claim.

Needless to mention, if similarly situated persons have been given similar benefits, the Court does not find any reason why the petitioner should be deprived. All such issues will be decided independently and if there are any specific reasons as to why the petitioner cannot be granted the other benefits as per the circulars, the reasons shall be disclosed in the order.

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

The petitioner is directed to serve a copy of this writ petition along with a server copy of this order upon the Special Secretary to the Government of West Bengal for compliance.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)