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17.08.2022
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 5779 of 2022

**Gopal Naiya
-versus
The State of West Bengal & Ors.**

**Mr. Lakshmi Nath Bhattacharya,
Mr. S. Ghosh.
...For the Petitioner.**

**Mr. Lalit Mohan Mahata,
Mr. Prasanta Behari Mahata.
...For the State.**

Affidavit-of-service filed in Court today is taken on record.

The petitioner claims benefit in terms of the Memorandum No.9008-F(P) dated 16th September, 2011 published by the Finance Department, Audit Branch.

The petitioner has already been given the benefit by the Deputy Secretary, Department of Panchayats and Rural Development in terms of the order No.3169-RD/O/Esu/1E-07/2016 (Pt.I) dated 11th July, 2016.

According to the petitioner, over and above the benefit that has been extended in his favour he is entitled to the benefit in terms of the Memorandum dated 16th September, 2011.

The petitioner's representation before the respondent authorities in November 2021 praying for regularization of his service in the Gram Panchayat as Gram Panchayat Karmee has not been taken up for consideration till date.

Without deciding the issue as to whether the petitioner will be entitled to the benefit of regularization of his service as Gram Panchayat Karmee, the matter is relegated to the Commissioner (Panchayats and Rural Development) to take a decision with regard to the prayer of the petitioner in terms of the relevant memoranda, circulars, notifications etc. and pass a reasoned order and communicate the same to the petitioner immediately thereafter.

If required, the Commissioner shall afford an opportunity of hearing to the petitioner and all other necessary parties prior to taking a decision in the matter.

The decision shall be taken at the earliest but positively within a period of twelve weeks from the date of communication of a copy of this order.

Learned advocate appearing for the petitioner is directed to forward a copy of the representation dated 26th November, 2021 along with the memorandum dated 16th September, 2011 and other documents in support of his claim to the aforesaid respondent at the time of communicating the order of the Court.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)