

11. 21.02.2022
Ct. No.06
Tanmoy

M.A.T. 458 of 2021
With
IA No: C.A.N. 1 of 2021
With
IA No: C.A.N. 2 of 2021

Matiar Rahaman
-Versus-
The State of West Bengal & Ors.
(Through Video Conference)

Mr. Kausik Samanta, Adv.,

...for the appellant.

Mr. Arindam Chattopadhyay, Adv.,
Ms. Lipika Chatterjee, Adv.

...for the State respondents.

In Re: IA No: C.A.N. 1 of 2021

This is an application for condonation of delay of eleven days in filing the appeal. Causes shown being sufficient, the delay is condoned. The application being IA No: C.A.N. 1 of 2021 is disposed of.

In Re: M.A.T. 458 of 2021
With
IA No: C.A.N. 2 of 2021

By consent of the parties, the appeal and the connected application are taken up together for hearing.

The writ petitioner approached the learned Single Judge with the grievance that his salary has not been paid for the period from April 4, 2002 till November 30,

2006, although, he worked as ‘*Sahayak*’ in the Office of the *Salar Gram Panchayat*.

Two documents were produced before the learned Single Judge. In one of them, which was a letter dated November 30, 2006, it was recorded that the writ petitioner had joined service as ‘*Sahayak*’ on November 30, 2006. In the other document, which was a Deed of Appointment, it was recorded that the petitioner was working since 2002. In view of the controversy and the disputed questions of fact, the learned Judge dismissed the writ petition. Being aggrieved, the writ petitioner has come up in appeal.

We have heard learned Counsel for the appellant. There appears to be a dispute as to when the writ petitioner was appointed as ‘*Sahayak*’. Two different documents record two different dates of appointment. These issues cannot be conveniently decided in the writ jurisdiction. The learned Single Judge rightly declined to pass any order.

The appeal being M.A.T. 458 of 2021 and the connected application being IA No: C.A.N. 2 of 2021 are accordingly dismissed.

Needless to say, this will not prevent the writ petitioner/appellant from approaching the appropriate forum with his claim, in accordance with law.

Let urgent photostat certified copies of this order, if applied for, be supplied to learned Advocates for the parties upon compliance with all usual formalities.

(Kausik Chanda, J.)

(Arijit Banerjee, J.)