

07.09.2022
Court No. 19
Item no.14
CP

W.P.A. No. 12760 of 2021

Samir Kumar Nag

Vs.

The State of West Bengal & Ors.

Mr. Mahammad Mahmud
Mr. Mahfuzus Salam Mollah
Mr. S. Mondal

...for the petitioner.

Mr. Tapan Kumar Mukherjee
Ms. Saheli Mukherjee

....for the State.

The petitioner submits that although the name of the petitioner has been enlisted at Sl No. 294 in the proposal from the Commissioner, Panchayat and Rural Development, West Bengal dated January 16, 2012 for his engagement on compassionate ground, no steps have yet been taken by the Joint Secretary to the Government of West Bengal, Department of Panchayat and Rural Development in this regard.

According to the petitioner, the fact that the petitioner was eligible for being appointed cannot be disputed as the proposal has already been sent. The petitioner is aggrieved because no communication has been received since 2012 in this regard. The petitioner also alleges that the persons who were enlisted below the petitioner have been granted appointment.

Learned advocate for the State denies the allegation and submits that the writ petition should be dismissed on the ground of delay. That the proposal was sent sometime in 2012 but till 2021 the petitioner had kept silent. Only in 2021 the petitioner approached the Joint Secretary to the Government of West Bengal, Department of Panchayat and Rural Development, renewing his prayer for engagement in terms of the said proposal.

It is an admitted position that unless the vacancy arises, the question of grant of appointment to the petitioner, even on compassionate ground cannot arise. The petitioner was enlisted at Sl. No. 294. However, it appears that since 2012 considerable time has lapsed. It is not before this court, whether the turn of the petitioner has yet arrived or had at all arrived. There is also an allegation of breaking the serial number.

Under such circumstances, the writ petition is disposed of with a direction upon the Joint Secretary to the Government of West Bengal, Department of Panchayat and Rural Development to dispose of the representation of the petitioner dated July 14, 2021 in accordance with law. The status of the proposal for appointment must be intimated to the petitioner.

A copy of the writ petition along with a server copy of this order be served upon the concerned Joint Secretary for necessary compliance.

A reasoned order shall be passed and communicated to the petitioner. The petitioner has a right to know about the fate of the said proposal and also whether the vacancy position permits his appointment having been enlisted at Sl. No. 294 in the proposal.

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

Accordingly, the writ petition is disposed of. There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)