

S/L 19
07.09.2022
Court. No. 19
GB

W.P.A. 12883 of 2021

Bablu Chandra Ghosh & Ors.

VS

The Assistant Secretary, Department of
Panchayat & Rural Development, Government
of West Bengal & Anr.

Mr. Subir Banerjee,
Mr. Abhilash Sinha Roy

...for the Petitioners.

Ms. Sutapa Sanyal,
Ms. Susnita Saha.

...for the State.

The petitioners were initially engaged as ‘Gram Sevak’ under different Gram Panchayats. The post of ‘Gram Sevak’ was abolished. The post of ‘Gram Panchayat Secretary’ was created.

The petitioners moved this Court for being appointed as Gram Panchayat Secretaries. On the basis of an order of this Court, the names of the petitioners were included in a central panel for the purpose of appointment in the newly created post. The petitioners were given appointment on different dates as ‘Gram Panchayat Secretary’ of various Gram Panchayats.

After serving as Panchayat Secretary, the petitioners retired. The petitioners are enjoying their retiral benefits. The date of appointment, the date of joining and the Gram Panchayats under which the petitioners worked, have been mentioned in Paragraph-13 of the writ petition. The date of retirement of each of the petitioners has been mentioned in Paragraph-14 of the writ petition. Now, the petitioners claim notional benefit for the post of Panchayat Secretaries on and from the

date of the order of the High Court, that is, August 13, 1998, passed in C.R. No.12463 (W) of 1993. They pray for consequent pay fixation and fixation of their retirement benefits upon grant of such notional benefit.

It appears that the petitioners have already approached the Assistant Secretary, Department of Panchayat and Rural Development, Government of West Bengal by filing individual demands of justice through their learned advocate, all dated March 4, 2021.

Under such circumstances, without going into the merits of the claims of the petitioners, the writ petition is disposed of with a direction upon the Assistant Secretary, Department of Panchayat and Rural Development, Government of West Bengal, to consider the representations of the petitioners upon hearing a representative/Advocate of the petitioners and by passing a composite reasoned order. The issue is whether the retirement benefits of the petitioners must be revised and fixed upon granting notional benefit to the petitioners from the date of the order of the High Court by treating the petitioners 'as on service' from the said date, in the post of 'Gram Panchayat Secretary'. A reasoned order shall be passed and communicated to all concerned.

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

The petitioners are directed to serve a copy of the writ petition along with a server copy of this order upon the said respondent.

If the claim of the petitioners are found to be genuine, then necessary orders shall be passed in this regard. If the claim cannot be permitted in law, such reasons shall be disclosed in the order

As no affidavits have been called for, the allegations and claims of the petitioners are deemed to be denied by the State respondents.

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 learned advocates' communication.

(Shampa Sarkar, J.)