

S/L 3
29.09.2022
Court. No. 19
GB

W.P.A. 15986 of 2021

Sri Saikat Podder
VS
The State of West Bengal & Ors.

Mr. Partha Sarathi Deb Barman,
Mr. Mrinal Das,
Mr. Raja Adhikary,
Mrs. Debanjana Dey Nayak.

...for the Petitioner.

Mr. Mr. Maloy Singh,
Mr. Biswanath Samanta.

...for the State.

Supplementary affidavit filed in Court today, be kept with the record.

The petitioner alleges arbitrariness, irregularity and favouritism against the Block Development Officer, Kalna-I Development Block. It is the specific contention of the petitioner that the Block Development Officer had intentionally assigned dual charge to the petitioner to function as a 'Nirman Sahayak' of Krishnadevpur Gram Panchayat as also the 'Nirman Sahayak' of Kankuria Gram Panchayat.

The allegation is that in spite of an order of transfer of the petitioner to Krishnadevpur Gram Panchayat, the Block Development Officer did not give effect to such order. The petitioner was not allowed to join Krishnadevpur Gram Panchayat. As soon as the writ petition was filed, the Block Development Officer allowed the petitioner to join the Krishnadevpur Gram Panchayat, but entrusted him with the additional charge as a 'Nirman Sahayak' of Kankuria Gram

Panchayat. Such action, according to the petitioner, is not only arbitrary, but also a mala fide attempt to harass and disturb the petitioner and to ensure that the petitioner is not able to function as a 'Nirman Sahayak' of Krishnadevpur Gram Panchayat.

The Court had directed the Block Development Officer to file a report. A report dated September 26, 2022, has been filed in the form of instructions. It appears that the petitioner was granted additional charge of 'Nirman Sahayak' of Kankuria Gram Panchayat, which was lying vacant since October 7, 2001. Krishnadevpur and Kankuria Gram Panchayats were under the administrative jurisdiction of Kalna-I Development Block. The distance between the two Gram Panchayats was 15 Kms. There have been other instances where a staff of one Gram Panchayat has been assigned additional charge of a post in another Gram Panchayat, within the same block. The report states that out of nine Gram Panchayats under Kalna-I Development Block, two posts of 'Nirman Sahayak' were lying vacant and a 'Nirman Sahayak' of another Gram Panchayat had been entrusted additional charge, just like the petitioner. Such entrustment of additional charge had been done for the interest of the public. It has been specifically mentioned that the petitioner will be discharged from his additional charge as a 'Nirman Sahayak' of Kankuria Gram Panchayat as soon as someone is appointed in the vacant post. The report is taken on record.

The Court cannot dictate how the administration will function and assign duties to its staff.

Interest of the public would be of paramount importance. This Court disposes of the writ petition, with the following observations:-

- a) Steps must be taken to post a 'Nirman Sahayak at Krishnadevpur Gram Panchayat.
- b) It is expected that the dual charge is given to those 'Nirman Sahayaks', who are working closer to Kankuria Gram Panchayat, on rotational basis. One person cannot be burdened for long.
- c) It is expected that the petitioner shall not be unnecessarily harassed by the authority.
- d) The petitioner shall discharge his dual charge with efficiency, honesty and diligence.
- e) As the distance between the two Gram Panchayats is more than 15 Kms., it is natural that the petitioner cannot cover both the Gram Panchayats on the same day. He shall discharge his duties in each of these Gram Panchayats, on alternate days.

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.)