

29.09.2022
Sl. No.9(DL)
srm

W.P.A. No. 16642 of 2022
Sri Sibnath Das
Vs.
State of West Bengal & Ors.

Mr. Supratim Dhar
.....for the Petitioner.

Mr. Susanta Pal,
Mr. Prabir Kumar Ray
...for the State-respondents.

Affidavit-of-service is taken on record.

The petitioner is working as a Date Entry Operator since 2007. In 2014, the petitioner was transferred to the Barabani Panchayat Samity, Paschim Bardhaman. Since then, he continues his duty as a Data Entry Operator. The Barabani Panchayat Samity has not yet granted promotion to the petitioner as per his seniority. The petitioner submits that his name appears at serial No.1 in the draft gradation list. The specific contention of the petitioner is that the concerned authority failed and neglected to take steps to grant promotion to the petitioner as a Senior Data Entry Operator, although similarly situated persons in different panchayat samitis of different districts had already been given the benefits of the promotion. Those persons are now

working as Senior Data Entry Operators. The claim of the petitioner is based on a notification issued by the Executive Officer Zilla Paishad, Burdwan dated April 9, 2007.

Mr. Pal, learned Advocate appearing on behalf of the State-respondents, submits that as the district of Burdwan has recently been bifurcated into two districts, the gradation list has not been finalized. The process is going on and may take some time.

It appears that the petitioner has already approached the District Magistrate, Paschim Bardhaman and Executive Officer, Paschim Bardhaman Zilla Parishad by filing several representations. Those representations appear at pages 48 to 53 of the writ petition.

The writ petition is disposed of with a direction upon the District Magistrate, Paschim Bardhaman to treat the writ petition as a representation and dispose of the same in accordance with law, by considering the prayer of the petitioner for promotion to the post of Senior Data Entry Operator, like his counterparts in other districts.

It is settled law, that similarly situated persons should be treated equally and the authority cannot pick and choose by making any distinction amongst the Data Entry Operators, who are working in different districts.

A reasoned order shall be passed, steps shall be taken in accordance with law and intimated to the petitioner.

The entire exercise shall be completed within a period of three months from the date of receipt of the representation of the petitioner.

The petitioner is directed to serve a copy of the writ petition along with a server copy of this order upon the District Magistrate, Paschim Bardhaman.

The writ petition is thus, disposed of.

There will be no order as to costs.

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

(Shampa Sarkar, J.)