

23.03.2022
Court No. 19
Item no.22
CP

W.P.A. No. 18428 of 2021

Ranu Das
Vs.
The State of West Bengal & Ors.

Mr. Joy Chakraborty
Mr. Sandip Dinda

...for the petitioner.

Mr. Indradip Das

....for the respondent no. 4.

Mr. Pradip Kumar Roy
Ms. S. Sarkar

....for the State.

Despite service, none appears on behalf of the respondent no. 6.

The matter is disposed of in the absence of the respondent no. 6 as this court is not passing any order on merits but the entire dispute is relegated to the Block Development Officer for a decision. The Sub-Divisional Officer, Contai had asked the Block Development Officer to look into the allegations of the petitioner and take necessary action.

The petitioner was appointed for some menial works at the office of the Padima-II Gram Panchayat (hereinafter referred to as 'the gram panchayat'), by a resolution of the gram panchayat. Such engagement was a private arrangement and without any approval

from the higher authorities and without any recruitment process. Such private arrangement between the petitioner and the gram panchayat continued on and from 2005 upto February 2021. It is alleged that, thereafter, the petitioner fell sick and the respondent no. 6 was appointed in her place.

The learned advocate appearing for the gram panchayat, has handed over the resolution of the members of the gram panchayat from which it appears that due to irregularity in the attendance of the petitioner and the difficulties faced by the panchayat office, the authorities had no option, but to appoint the respondent no. 6. The said appointment of the respondent no. 6 was also a private arrangement like that of the petitioner and the panchayat authorities are paying the respondent no. 6 from their own funds.

Under such circumstances, the prayers in the writ petition cannot be allowed by passing a mandatory direction upon the panchayat authorities to reappoint the petitioner for the daily works of cleaning and supplying water etc. in place of the respondent no. 6.

The petitioner does not have any vested right. The appointment of the petitioner was a private arrangement by the panchayat authorities which continued for a long period of time. However, as the

records reveal that the Block Development Officer has been asked to inquire into the matter, the writ petition is disposed of without any orders.

The Block Development Officer will however comply with the directions of the Sub-Divisional Officer, Contai and pass a reasoned order by communicating the same to all the parties. During such inquiry the petitioner, the respondent no. 6 and the panchayat authorities shall be allowed to participate and make their submissions in support of their respective contentions.

A reasoned order shall be passed and communicated to the parties.

This court has not gone into the merits of the disputes involved and the entire issue shall be decided independently.

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

The writ petition is, thus, disposed of. There shall be no order as to costs.

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

(Shampa Sarkar, J.)