

S/L 44
22.09.2022
Court. No. 19
GB

W.P.A. 17879 of 2022

Sanjib Bag
VS
The State of West Bengal & Ors.

Mr. Rabi Lal Maitra,
Mr. Ranjit Lal Maitra.

...for the Petitioner.

Ms. Chaitali Bhattacharya,
Ms. Sanjukta Samanta.

...for the State.

Affidavit-of-service filed in Court today, be kept with the record.

The petitioner is aggrieved because his remuneration has been reduced from Rs.10,890/-to Rs.3,000/- without any basis, although the petitioner continued to serve as Darowan-cum-Night Guard in the office of the Block Development Officer.

It appears that several complaints were made by the petitioner and the Joint Secretary to the Government of West Bengal by a letter dated February 5, 2020 directed the District Panchayat and Rural Development Officer, Purba Medinipur to look into matter. In turn, the District Panchayat and Rural Development Officer, Purba Medinipur referred the matter to the Block Development Officer, Contai-III Development Block for necessary action.

It is submitted that the concerned Block Development Officer himself, had reduced the remuneration of the petitioner without any reason, and without changing the job description of the petitioner. The petitioner submits that the

issue cannot be decided by the Block Development Officer as his actions have been challenged in the writ petition.

Ms. Bhattacharya, learned senior Government advocate denies the claims of the petitioner. According to Ms. Bhattacharya, the petitioner was a menial staff. As and when exigency occurred, he was assigned a job. The petitioner cannot claim Rs.10,890/- as a right. She further submits that the Block Development Officer has already taken a decision in this regard and forwarded the same to the District Panchayat and Rural Development Officer, Purba Medinipur explaining the reason as to why the petitioner's remuneration had been Rs.10,890/- for a particular period and thereafter reduced from May, 2021. It appears that as a contingent menial, the petitioner received Rs.700/- per month from 1998 to December 2009. Thereafter, he received Rs.2,000/- per month from January 2010 to January 2015.

The petitioner started getting Rs.10,890/- with effect from February, 2015. The breakup of Rs.10,890/- has also been given in the decision. A clarification was thereafter sought from the Treasury Officer, Contai, as to whether the petitioner was entitled to get the dearness allowance as per the existing rules. In response to the same, the Treasury Officer intimated the Block Development Officer that no engagement of Group-D employees could be done on or after April 1, 2010. The assignment of the job of Darwan to the petitioner even on casual basis was thus contrary to such policy. As such, the remuneration of the petitioner was kept on hold from January 2019 and the petitioner himself, made

a prayer for grant of remuneration at the rate of Rs.3,000/- per month.

These findings are disputed by Mr. Maitra. However, as it appears that the Joint Secretary to the Government of West Bengal, Panchayat and Rural Development Department had forwarded the entire matter to the District Panchayat and Rural Development Officer, the writ petition is disposed of with the following directions:-

- a) The report/explanation of the Block Development Officer shall once again be forwarded to the District Panchayat and Rural Development Officer, Purba Medinipur within four weeks from the date of communication of this order by the Block Development Officer. The petitioner shall be notified.
- b) The petitioner shall be given a notice to appear before the District Panchayat and Rural Development Officer on a particular day, with all his claims and documents. Such notice shall be issued at least three days in advance.
- c) The petitioner will be heard.
- d) Upon hearing the petitioner, a further report shall be prepared by the District Panchayat and Rural Development Officer within a period of four weeks from receipt of the report of the Block Development Officer and such report along with the report of the Block Development Officer shall be forwarded to the Joint Secretary, Government

of West Bengal, Panchayat and Rural Development Department, for a final decision.

- e) The petitioner shall be represented by a learned advocate before the Joint Secretary, Government of West Bengal, Panchayat and Rural Development Department at the time of consideration of the two reports.
- f) Upon hearing the petitioner and a representative from the office of the District Panchayat and Rural Development Officer and the Block Development Officer, a reasoned order shall be passed. Such order shall be intimated to all concerned, within a period of eight weeks from the receipt of the above reports.

This Court has not gone into the merits of the claims of the petitioner.

As no affidavits have been called for, the allegations are deemed to be denied.

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.)