

S/L 23
04.05.2022
Court. No. 19
GB

WPA 19970 of 2021

Gopal Krishna Dutta
VS
The State of West Bengal & Ors.

Mr. Bhaskar Ray.

...for the Petitioner.

*Ms. Sanghamitra Nandy,
Mr. Somraj Dhar*

...for the State.

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

The petitioner succeeded in a selection process for recruitment to the post of Gram Panchayat Karmee. Such process was initiated in 2005 and completed in 2007. The service of the petitioner was confirmed on December 27, 2015. The petitioner prays that notional benefits with effect from the completion of the selection process in 2007 up to the date of the actual appointment and confirmation be granted to the petitioner. For such reliefs, a writ petition was moved before this Court being W.P. No.18120(W) of 2019. The said writ petition was disposed of.

This Court had directed the petitioner to file a composite representation before the Director, Department of Panchayat and Rural Development who shall dispose of the representation of the petitioner.

By an order dated March 19, 2021 passed in CAN 1 of 2020 which was an application for modification, arising out of W.P. No.18120 (W) of 2019, the petitioner was directed to

approach the Commissioner, Department of Panchayat and Rural Development. The said order was passed because the State respondents had submitted before the Court that the post of Director, Department of Panchayat and Rural Development had ceased to exist and the Commissioner, Department of Panchayat and Rural Development would be the appropriate authority to decide the issue.

However, as the Court found that the post of Commissioner, Department of Panchayat and Rural Development was vacant, the Commissioner-in-Charge of the Department was directed to consider the prayer of the petitioner.

Thereafter, the petitioner made a further representation through his learned advocate on March 25, 2021 before the Commissioner-in-Charge, Department of Panchayat and Rural Development. Records reveal that despite such representations, no order has been passed by the authorities and the authorities are sitting tight over the representations of the petitioner.

The petitioner submits that no action has yet been taken, despite orders of this Court.

Under such circumstances, the writ petition is disposed of with a direction upon the competent authority under the Department of Panchayat and Rural Development, Government of West Bengal to decide the representations of the petitioner, which are annexed to the writ petition, in accordance with law, within a period of six weeks from date of communication of this order.

It is made clear that the Court leaves it open to the respondents to decide as to who would be the competent authority, to take a decision on the representations of the petitioner. The Court does not appreciate the deliberate silence of the respondents. The action of the respondents in shifting the buck to one authority or the other, thereby keeping the issue pending for a long time, is arbitrary. The merit of the claim of the petitioner is not decided. The competent authority shall decide the issue independently, fairly and in accordance with law. The petitioner shall be heard and also be allowed to produce oral and documentary evidence in support of his contention.

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 advocate's communication.

(Shampa Sarkar, J.)