

Sl. No.68
02.08.2022

Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 21360 of 2021

Partha Pal
Versus
The State of West Bengal & Ors.

Mr. Amal Baran Chatterjee, Sr. Adv.
Mr. Md. Hafiz Ali

... for the petitioner

Mr. Srijan Nayak
Mrs. Rituparna Maitra

... for the State

The petitioner was engaged as casual Data Entry Operator on and from 13th June, 2006 in the office of the Block Development Officer, Bhagwangola-II, Murshidabad and he was to be paid Rs.2,000/- per month from the funds available in the office.

The petitioner continued in service till he was verbally intimated not to report to duty on and from 4th April, 2021.

The petitioner highlighted his grievance by filing representation before the Block Development Officer, the District Magistrate, Murshidabad by letter dated 5th April, 2021 and 13th April, 2021 respectively.

The petitioner refers to a communication made by the Block Development Officer, Bhagwangola-II, Murshidabad to the Sub Divisional Officer, Lalbagh, Murshidabad wherein it has been mentioned that as

per office record of the Panchayat Samity, no resolution regarding engagement of the petitioner has been found.

As per notification of the Government of West Bengal, Finance Department, Audit Branch vide No.9008-F(P) dated 16th September, 2011, officer responsible for any further engagement of casual/daily wage, contractual worker will be personally liable for violation of the said order.

The petitioner relies upon a document to show that the petitioner was engaged against a sanctioned government post of Data Entry Operator, Bhagwanpur-II.

The petitioner submits that no opportunity of hearing was given to him prior to terminating his service. He was in service from 2006 onwards and there is no adverse remark against him. The petitioner prays that he may be permitted to resume his service as Data Entry Operator.

Learned advocate representing the State respondent submits, upon instruction that, Block Development Officer engaged the petitioner to work as casual Data Entry Operator in his personal capacity. No resolution was adopted by the Panchayat Samity for engaging the petitioner. Regular selection process was not held for engagement of the petitioner. The petitioner was engaged with a view to perform computer related office work in the office of the Block Development

Officer and he was paid from the funds of the Block Development Officer. The petitioner was never paid by the State Government.

It has been submitted that the petitioner being a casual employee does not have any legal right to stay in service after his service is terminated.

The petitioner cannot pray for any hearing prior to his service being terminated, as he is not a regular employee of the State Government or the Panchayat Samity.

It appears from the documents annexed to the writ petition that the petitioner was engaged by the Block Development Officer and was to be paid from the funds available in the office. There is nothing on record to show that a regular selection process was undertaken prior to the petitioner being selected for engagement in the said post.

The petitioner being a casual employee, his service has been orally terminated and he has been directed not to report for duty by the Block Development Officer who engaged him in service.

The service condition of the petitioner does not require any opportunity of hearing to be granted to him prior to termination of his service.

Regular service rules requiring a proceeding to be initiated prior to disengaging an employee will not be applicable in the case of the petitioner.

In view of the above, no relief can be granted to the petitioner in the instant case.

The writ petition fails and is hereby dismissed.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)