

S/L 22
14.09.2022
Court. No. 19
GB

W.P.A. 20736 of 2022

Sri Krishna Chandra Das
VS
The State of West Bengal & Ors.

Mr. Subhendu Bandyopadhyay.

...for the Petitioner.

*Sk. Md. Galib,
Mr. Subhra Nag.*

...for the State.

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

The petitioner claims to have been engaged by the Birbhum Zilla Parishad sometime in 1989. It appears that the said engagement was for Bakreswar Thermal Power Project Wing. The list of workers supplied by the Birbhum Zilla Parishad to the Executive Engineer, Bakreswar Termal Power Project Wing dated May 31, 1990 has been annexed to the writ petition. It appears that sometime in 1996, the petitioner approached the Zilla Parishad for permanent appointment. It also appears that the Adhyaksha of the District Council had informed the District Magistrate about the prayer of the petitioner for permanency. The petitioner approached the District Magistrate and the Executive Officer, Birbhum Zilla Parishad by filing a representation sometime in 2015. From the said representation, it appears that after 2010, the engagement of the petitioner was discontinued. Under such circumstances, it is clear that the petitioner has not been working in the project or in the Zilla Parishad at least for the last 12 years.

The Additional District Magistrate, Birbhum had issued a letter dated November 18, 2021 asking the petitioner to attend a hearing with regard to the claim for re-engagement. It appears that the petitioner was released from the Birbhum Zilla Parishad on December 30, 1989. At the hearing, he was asked to provide several documents in order to justify his claim as a daily rated worker under the Birbhum Zilla Parishad.

The said authority had considered the case of the petitioner and had come to a specific finding that the petitioner had been released by the Zilla Parishad in 1989. The Additional District Magistrate and the Additional Executive Officer, Birbhum Zilla Parishad had arrived at a clear finding that the petitioner was not continued as a daily rated worker in the Birbhum Zilla Parishad after December 30, 1989. The petitioner also has not been able to show any document in support of his claim that he was retained in the department. While the Zilla Parishad claims that the petitioner was released from the Zilla Parishad after 1989, the petitioner alleges to have worked upto 2010.

These disputed questions of facts cannot be decided in the writ petition. Moreover, even if the allegation of the petitioner is found to be correct, admittedly the petitioner was not engaged since 2010, as such, the question of permanency and/or regularization does not arise.

If the petitioner can provide necessary documents as directed by the Additional District Magistrate, Birbhum in support of his claim, the case of re-engagement as a daily

rated worker under the Birbhum Zilla Parishad may be considered in accordance with law, if the authority deems it fit and proper.

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.)