

26.09.2022
Sl. No.9(DL)
srm

W.P.A. No. 21364 of 2022
Baidyanath Mahato
Vs.
The State of West Bengal & ors.

Mr. Avishek Prasad,
Ms. S. Mitra,
Ms. Ankita Dey

....for the Petitioner.

Mr. Swapan Kumar Pal

...for the State-respondents.

Affidavit-of-service is taken on record. Despite service, none appears on behalf of the panchayat authorities.

The petitioner prays for a direction upon the respondents to release the honorarium attached to the post of Pradhan of Chitmu Gram Panchayat, District-Purulia from August 28, 2018 till September 9, 2021 and thereafter to release the honorarium attached to the post of a member of the said gram panchayat, from September 9, 2021 till date.

The writ petition is not entertained for the following reasons:

- (a) The petitioner was serving under the Border Security Force, when he contested the election by

submitting an application for voluntary retirement. The records do not reveal whether the application for voluntary retirement had been accepted by the employer and whether the petitioner was treated to be a retired person from the Central Government services.

(b) Section 8 of the West Bengal Panchayat Act, 1973 speaks of disqualification of members in service under the Central Government and the petitioner would not be qualified to be a member unless his application for voluntary retirement had been accepted by the authority and he was considered to be a retired employee of the Central Government.

(c) The writ petition is devoid of material particulars in support of such claim for honorarium.

Under such circumstances, mandatory directions, as prayed for, cannot be passed. The petitioner is at liberty to approach the District Panchayats and Rural Development Officer, Purulia by filing a detailed application with all material particulars in support of his claim for honorarium.

If the authority finds that there is no bar under the law to grant the honorarium, necessary orders will be passed.

If the claim cannot be allowed, reasons shall be assigned. A reasoned order shall be passed after giving an opportunity of hearing to the petitioner and the Block Development Officer, Jhalda-II Development Block. The order shall be communicated.

The entire exercise shall be completed within a period of two months from the date of receipt of the petitioner's representation.

All issues shall be decided by the authority, independently.

The petitioner is directed to serve a copy of the writ petition along with a server copy of this order upon the District Panchayats and Rural Development Officer, Purulia.

The writ petition is, thus, disposed of.

There shall be no order as to costs.

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

(Shampa Sarkar, J.)