

S/L 27
7.11.2022
Court. No. 19
Sn

W.P.A.22379 of 2022

Ajoy Bag
VS
The State of West Bengal & Ors.

Mr. Fazle Rabi
Mr.Sk. Morshed Ali

... for the petitioner

The petitioner alleges that the District Panchayat & Rural Development Officer, Purba Bardhaman had passed an order with suffers from illegality and arbitrariness. According to the petitioner, a co-ordinate Bench of this Court passed an order on September 21, 2010 in W.P.16289(W) of 2009. By the said order, the District Panchayat & Rural Development Officer, Purba Bardhaman had been directed to consider the representation of the petitioner in the light of the notification dated October 18, 2003 within a period of three weeks from the date of receipt of the order. The petitioner submits that the order passed by the District Panchayat & Rural Development Officer, Purba Bardhaman dated August 10, 2022 was on the basis of such direction passed by this Court some time in 2010.

This Court is not inclined to pass any order in favour of the petitioner for the following reasons :-

a) The documents annexed to the writ petition indicated that the petitioner was engaged allegedly on

June 25, 2003 on casual basis on the basis of a resolution of Begpur Gram Panchayat. Such engagement was not against any sanctioned post.

b) Such engagement of the petitioner was contrary to the circular dated October 8, 2003 issued by the Joint Secretary to the Government of West Bengal, Panchayat & Rural Development Department, by which the panchayat authorities were directed not to engage casual workers.

c) The claim of the petitioner is based on an order passed by the High Court in W.P.766(W) of 2002 on December 2, 2002 which was sought to be implemented by the circular dated October 8, 2003. The circular stated that steps for regularization of all irregular appointments by the panchayat bodies, should be taken. In the opinion of this Court, the order passed in WP 766(w) of 2022 cannot be given retrospective effect.

d) In 2011, the Pradhan of Begpur Gram Panchayat informed the Block Development Officer that the petitioner was working as a Gram Panchayat Karmee on a casual/daily rated basis. The date of engagement has been mentioned as February 5, 1999. This is contrary to the petitioner's own case.

e) The authority who issued the impugned order, found that the petitioner was engaged by the Begpur Gram Panchayat on April 19, 2021 and not against

any sanctioned post. As such, it was decided that no special benefit could be extended under the relevant circulars.

f) What transpired between 2003 to 2022 between the petitioner and the Begpur Gram Panchayat is not on record.

g) The petitioner has not been able to show continuity in service between 2003 to the present day.

h) In any event, the order sought to be implemented was passed on December 2, 2002 when the petitioner admittedly had not been engaged by the Begpur Gram Panchayat. The notification applies only to those casual and temporary workers, who had already been engaged by the panchayat authorities, prior to the order of this Court in WP 766(W) of 2002.

i) The authorities also found that the petitioner was longer in service under any Gram Panchayat. The documents annexed to the writ petition do not disprove such finding.

Under such circumstances, this Court does not find any reason to interfere with the order impugned. It also does not appear that the order impugned had been passed pursuant to the direction of this order which was passed in 2010. Rather, it appears that the impugned order dealt with the question whether the petitioner was entitled to the benefits of the different circulars issued by the State Government granting

certain benefits to casual/daily rated workers in different establishments of the government of West Bengal, provided he satisfied the eligibility criteria stated therein. The petitioner did not satisfy the criteria for such benefits and hence his claim was turned down.

With the above observations, the writ petition is dismissed.

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.)