

16.11.2022
Sl. No.9
sn

W.P.A. No. 22457 of 2022

Niranjan Bachhar

Vs.

The State of West Bengal & Ors.

Ms. Sangita Das Jana
Mr. Sourav Sengupta

....for the Petitioner.

Mr. Ashis Kumar Guha
Mr. Naren Ghosh Dastidar

...for the State-respondents.

The petitioner is a staff at Bishnupur Gram Panchayat. The petitioner contends that he had stood first in the recruitment process and was temporarily appointed to the post of Gram Panchayat Karmee in 2008. The petitioner further contends that since 2008 the petitioner has been in continuous service in the said Gram Panchayat, but was not granted promotion to the next higher post. The petitioner is now 57 years old.

The letter of appointment annexed to the writ petition indicates that the petitioner was appointed on temporary basis. There is nothing on record to show whether the petitioner's appointment was made permanent or not.

Unless the petitioner was working on permanent basis against a sanctioned post, in the regular establishment of the Gram Panchayat, the question of granting promotion to the petitioner

would not arise. Thus, the claim of the petitioner for promotion to the next higher post cannot be considered by this Court in the absence of appropriate pleadings and documents.

The State of West Bengal has framed several policies providing certain facilities to the temporary/casual/daily rated workers of government establishments, who could be allowed to continue to work up to the age of superannuation and also be paid a lump sum at the time of retirement. It also appears that the remuneration has been increased from time to time. Whether the petitioner would come within the purview of the memoranda or not also, cannot be decided in the absence of pleadings.

Due to inadequacy of pleadings and supporting documents, no order can be passed in this writ petition. However, the petitioner is at liberty to approach the concerned authorities with better particulars and materials in support of his claim.

If such representation is made, the same shall be considered and disposed of in accordance with law upon granting an opportunity of hearing to the petitioner.

This order shall not be construed as an opinion of the court on the merits of the claim of the petitioner.

The writ petition is disposed of.

There will be, however, no order as to costs.

All the parties are directed to act on the server copy of this order.

(Shampa Sarkar, J.)