

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 26879 of 2022

Sekhar Chaudhury
Vs.
The State of West Bengal & Ors.

Mr. Abani Bhushan Ghosh
... For the petitioner

Mr. Pinaki Dhole
Ms. Ananya Neogi
... For the State

Affidavit of service filed in Court today is retained
with the record.

The petitioner claims to be a casual worker at
Kangsabati Soil Conservation Division-1, Purulia area.
He prays for benefits under the memorandum dated
September 16, 2011 issued by the Finance Department,
Government of West Bengal. He claims that he has
worked continuously for more than ten years as on
August 1, 2011 and has rendered service for at least 240
days each year.

Upon consideration of his length of service, the
Divisional Forest Officer, Kangsabati North Division,
Purulia-I, published a list of casual workers on
December 8, 2011. Nineteen casual workers were given

benefits from the said list but three workers were not given the benefits pursuant to the same.

Thereafter, a second list was published by the Divisional Forest Officer on March 19, 2014. The petitioner was again recommended to be given the benefits of the memorandum dated September 16, 2011. Since the petitioner was not given the benefits, the petitioner had no option but to approach this Hon'ble Court by filing a previous writ petition, being WPA 4081 of 2022. The said writ petition was disposed of by an Hon'ble coordinate Bench by directing the Principal Chief Conservator of Forest (Head of Forest Force)/the respondent no.2 to consider the representation of the petitioner. The representation of the petitioner was disposed of by a reasoned order dated May 26, 2022.

The said reasoned order is under challenge in the present writ petition.

Mr. Abani Bhushan Ghosh, learned counsel appearing on behalf of the petitioner submits that office orders dated December 8, 2011 and March 19, 2014 were not considered in the reasoned order. Arbitrarily the petitioner's claim has been rejected. Despite the fact that the petitioner was recommended to be given the benefits, now the respondent no.2 has taken the point that since the petitioner has joined Webel Technology Limited in 2015, a body under the administrative control of West Bengal Zoo Authority, he is not eligible to get the

benefits of the Finance Department's memorandum any more.

Mr. Pinaki Dhole, learned counsel appearing on behalf of the respondents submits that the said office orders of 2011 and 2014 were considered and rejected. It has been stated that neither the petitioner performed 240 days of service nor had he completed more than 10 years.

Having considered the rival submissions of the parties and the materials placed on record, this Court is of the view that no reason has been given as to why the petitioner was held to be ineligible to be considered for receiving the benefits under the Finance Department's memorandum dated September 16, 2011 despite the recommendations of the Divisional Forest Officer made on December 8, 2011 and March 19, 2014. The basis on which the respondent no.2 came to the finding that the petitioner was ineligible has not been recorded in the impugned order. As such, it appears that such a recording was arbitrary and not based on any material facts.

Furthermore, the respondent no.2 failed to explain why after the recommendations in 2011 and 2014, the petitioner will be deprived from receiving the benefits since he has been engaged by Webel Technology Limited after 2015.

In the light of the discussions above, the impugned order dated May 26, 2022 is hereby quashed and/or set aside.

This Court directs reconsideration afresh of the petitioner's representations dated April 18, 2019 and November 26, 2021 within a period of six weeks from date upon giving a personal hearing to the petitioner. The office orders dated December 8, 2011 and March 19, 2014 will be taken into account while consideration of such representations. The reasons/basis for factually differing from the recommendations of the Divisional Forest Officer will be stated in the reasoned order. On passing of a reasoned order, it shall be communicated within two weeks from passing thereof.

With the directions aforesaid, **WPA 26879 of 2022 is disposed of.**

Since no affidavits have been directed to be exchanged in the present writ petition, all the allegations contained therein are deemed not to have been admitted by the parties.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Lapita Banerji, J.)