

19.
20.12.2022
S.D.

W.P.A. 27791 of 2022

Lutful Hoque & Anr.

Vs.

The State of West Bengal & Ors.

Mr. Shamik Chatterjee
Mr. Tapodip Gupta
Mr. Aditya Bikram Mahata
Mr. Sahil Kabir

...For the petitioners

Mr. Tapan Kumar Mukherjee
Ms. Sangeeta Roy

..For the State

Mr. Chatterjee, learned counsel appearing on behalf of the petitioners undertakes to pay deficit Court fees in course of the day. In the event, such Court fees are not paid, the writ petition shall stand dismissed for default.

Petitioners claim that their agricultural land was acquisitioned sometimes in the year 2005 by the Public Health Engineering Department, Government of West Bengal. The petitioners prayed for appointment in the land losers' category. The petitioner no. 1 worked from 2010 till 2012, but no payment was made in lieu of such work to the petitioner no. 1. Several representations were made. The last of which was on May 6, 2022. Such representations were not considered by the respondent authorities.

By an office order dated September 7, 2012 vide Memo No. 648/PGAO, the District Magistrate, Murshidabad requested the respondent no. 9/the Executive Engineer (Mechanical), Berhampore, Murshidabad to cause an enquiry in the matter regarding the appointment of the petitioner no. 1 and submit an action report immediately with a copy to the petitioner no. 1, without fail. Despite such directions given by the District Magistrate/respondent no. 4, the respondent no. 9 failed to cause an enquiry and file an action report.

Mr. Chatterjee, learned counsel appearing on behalf of the petitioners submits that the representation of the petitioner no. 1 dated May 6, 2022 should be considered by the respondent no. 9.

Mr. Mukherjee, learned Additional Pleader appears on behalf of the State authorities and submits that the claim of the petitioner no. 1 is barred by limitation. He further submits that the petitioner no. 1 was never employed by the Government authorities and, therefore, the question of payment of the petitioner no. 1 for the purported services rendered by him from 2010 till 2012 by the State authorities does not arise. As such, the claims of the petitioner no. 1 are not maintainable.

Having considered the rival submissions of the parties and the materials placed on record, this Court directs the respondent no. 9 to consider the representation dated May 6, 2022 in the light of the recommendations/directions given by the respondent no. 4/the District Magistrate dated September 7, 2012 within 10 weeks from date of the order.

Let such representations be disposed of as per the extant rules and policies of the Government. Upon a reasoned order being passed, let the same be communicated to the petitioner within two weeks of passing thereof.

With the directions aforesaid, the writ petition being **W.P.A. 27791 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 **website** of this Court.

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

(Lapita Banerji, J.)

