

02.02.2022

Sl. No. 16

ss

**W.P.A. 8177 of 2020**

**Sk. Sadik Uddin**

**Vs.**

**The State of West Bengal & ors.**

Mr. Siddhartha Sankar Mandal

Ms. Arunima Das Sharma

...for the Petitioner.

Mr. Arjun Roy Mukherjee

Ms. Nibedita Barui

... for the State

Affidavit of service is taken up on record.

The petitioner is aggrieved by the order dated March 12, 2019 passed by the Commissioner, Panchayats & Rural Development, Government of West Bengal allowing consolidated monthly remuneration of Rs.8,500/- per month, with immediate effect to the petitioner.

The petitioner is aggrieved by the said order for the following reasons :-

- a) that the order is a verbatim representation of the recommendation of the Block Development Officer, Contai-I Development Block dated May 30, 2019 and not a consideration by the authority, as per the direction of this Court dated January 7, 2019;

- b)** that the concerned Block Development Officer's recommendation could not have been given much weightage in view of the specific direction of this High Court to dispose of the claim of the petitioner for enhancement of the remuneration on and from September 16, 2011 as per the various circulars issued from time to time by the Government of West Bengal;
- c)** that the authority came to a incorrect finding that the petitioner was not engaged against a sanctioned post, especially because this Court had held that the embargo under paragraph X of the memo dated September 16, 2011 was not applicable in case of the petitioner. The petitioner was not a contractual worker but a casual worker, according to the Court;
- d)** that similarly situated persons were granted the same reliefs prayed for by the petitioner on and from 2011 onwards and their consolidated remuneration were enhanced periodically as per the circulars issued by the Government since 2011 and upto date.

Having considered the contentions of the petitioner and upon perusal of the order passed by the Commissioner, Panchayats & Rural Development, Government of West

Bengal, this Court is of the opinion that the order of the Commissioner does not have any legs to stand in view of the fact that the authority has failed to consider the circulars and the order of this Court in their letter and spirit. The order is bereft of reasons.

Under such circumstances, the petition is disposed of upon setting aside the order dated March 12, 2019 issued by the Commissioner, Panchayat & Rural Development, Government of West Bengal and with a further direction upon the Commissioner, Panchayat and Rural Development, Government of West Bengal, to grant a hearing to the petitioner as also the concerned Block Development Officer and to pass a reasoned order. The order shall be passed in consultation with all the documents to be filed by the petitioner and the relevant circulars issued by the Government of West Bengal, from time to time applicable to casual workers. The order of this Court passed on January 7, 2019 shall be considered in its true letter and spirit. A reasoned order shall be passed and communicated to the petitioner and also other respondents.

The entire exercise shall be completed within a period of three months from the date of communication of this order.

The authority concerned while disposing of the matter shall specifically indicate in the order the applicability and/or non-applicability of the various circulars in this regard on and from 2011 till date while deciding the case of the petitioner.

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

**(Shampa Sarkar, J.)**