

Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction

W.P.A. 51 of 2022

Piyush Roy Basuniya @ Pijush Roy Basunia
-versus
The State of West Bengal & Ors.

Mr. Jagriti Mishra
Mr. Debayan Goswami
Mr. Subham Gupta
...For the Petitioner

Mr. Bikramaditya Ghosh
Mr. Pretom Das
... For the State

The petitioner claims to have been appointed by the Pradhan of the Gram Panchayat as a temporary employee in Group – D post on 29th October 2013.

The petitioner claims that the post in which he has been engaged is a permanent approved post and his engagement was made upon compliance of all requisite formalities.

He claims benefit in terms of the Memorandum No. 9008-F(P) dated 16th September, 2011 as amended from time to time and lastly amended on 8th February, 2019 being Memorandum No. 1033-F (P₂).

He has made a representation before the Pradhan of the Gram Panchayat praying for enhancement of his remuneration.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is receiving a paltry sum of Rs. 2,000/- per month which is less than the minimum wages that is payable to an employee.

It appears from the letter given by the petitioner to the Pradhan that the same is not a very comprehensive one.

Accordingly, leave is granted to the petitioner to file a comprehensive representation before the respondent no. 2 being the Joint Secretary, Department of Panchayats and Rural Development to take a decision with regard to his claim of monetary benefit and other consequential relief in terms of the Memorandum No. 9008-F(P) dated 16th September, 2011 along with the latest amendment made in the year 2019.

The aforesaid respondent shall consider the representation strictly in accordance with the relevant rules / laws / memoranda applicable in the present case at the earliest, but positively within a period of twelve weeks from the date of submission of the representation by the petitioner.

The said respondent shall pass a reasoned order and communicate the same to the petitioner immediately thereafter.

It is made clear that this Court has not entered into the merits of the claim of the petitioner and all points are left open to be decided by the said respondent

at the time of consideration of the representation of the petitioner.

The petitioner is directed to forward a copy of the memoranda relied upon by him at the time of making the representation.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon completion of usual legal formalities.

(Amrita Sinha, J.)