

OD-1

ORDER SHEET

WPO/526/2022

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

APAN KUMAR ROY
Versus
THE STATE OF WEST BENGAL AND ORS.

BEFORE:

The Hon'ble JUSTICE SHAMPA SARKAR

Date : 23rd February, 2022.

[Via Video Conference]

Appearance:
Mr. Anjan Bhattacharya, Adv.
Ms. Anita Shaw, Adv.
For the petitioner.

Ms. Chaitali Bhattacharya, Adv.
Mr. Subhendu Roychoudhury, Adv.
For the State Respondents.

The Court :- The allegations are that the services of the petitioner was utilized by the authorities for 16 years but the retirement benefits were not paid as the petitioner was over age at the time of appointment. Ms. Bhattacharya, learned Advocate appearing on behalf of the respondents, submits that due to the shifting of the offices, the appointment letter of the petitioner who was allegedly appointed as a Gram Sevak/Secretary under Bahirgachhi Gram Panchayet was not available with the records and as such the respondents were not able to address the contentions of the writ petitioner made in this writ petition. The records annexed to the writ petition reveals that the petitioner had

been appointed sometime on January 15, 2004. It is submitted that the petitioner was appointed on temporary basis.

Mr. Bhattacharya, learned Advocate for the petitioner, refutes such contention and submits that the petitioner was called for an interview by the District Magistrate concerned and he was appointed against a substantive post, subsequently.

However, without going into the rival contentions of the parties, the writ petition is disposed of with a direction upon the Commissioner, Department of Panchayet and Rural Development, the respondent No. 3, to dispose of the writ petition as a representation upon hearing the petitioner. The petitioner last worked as the Executive Assistant in the office of the Habibpur Gram Panchayet under Ranaghat-I Block and the petitioner has completed a total length of 16 years of qualifying service, as alleged. The concerned Block Development Officer as also the authorities of Habibpur Gram Panchayet, shall also be heard. The petitioner shall be entitled to be represented by a learned Advocate. The petitioner shall also be entitled to refer to all documents in support of his contentions. The petitioner shall further be entitled to refer to all judgments of this Court on the question of condonation of age bar passed under similar circumstances.

A reasoned order will be passed and communicated to all. The factual aspect as to whether the petitioner was in permanent service or not, must also be considered by the authority.

The petitioner is directed to correct the cause title with regard to the address of the respondent no.3 and a copy of the writ petition along with annexures and also a server copy of the order be served upon the respondent no.3.

(SHAMPA SARKAR, J)

snn.