

25.01.2023
Sl. No.17(DL)
srm

W.P.A. No. 1229 of 2023

Lab Kumar Pan

Vs.

The State of West Bengal & Ors.

Mr. Joy Chakraborty,
Ms. Ipsita Ghosh

....for the Petitioner.

Mr. Rama Prasad Sarkar,
Mrs. Debarati Sen Bose

...for the State-respondents.

Affidavit-of-service is taken on record.

The petitioner is a casual worker in a group-D post under the Burwan Panchayat Samiti, District-Murshidabad. The petitioner prays for implementation of several memoranda issued by the Government of West Bengal, Finance Department, Audit Branch from time to time. Such memoranda seek to provide security of tenure in service and onetime retirement benefit to such casual, temporary or daily rated workers. Periodic enhancement of the remuneration has also been provided by the memoranda.

The petitioner further contends that the Block Development Officer, Burwan, Murshidabad had

recommended that the petitioner be absorbed as a whole time worker.

The issue as to whether the Block Development Officer was of the opinion that the petitioner could be absorbed as a whole time worker is not relevant here. What is relevant in this context is whether the petitioner would be entitled to the benefits in terms of the parent Memo No.9008-F(P) dated September 16, 2011 and the subsequent memoranda issued from time to time.

Under such circumstances, the writ petition is disposed of with a direction upon the Joint Secretary to the Government of West Bengal, Department of Panchayat and Rural Development, to treat the writ petition as a representation of the petitioner and dispose of the same in accordance with law.

A reasoned order shall be passed and communicated to the petitioner. The petitioner, a representative of the Executive Officer of the Burwan Panchayat Samiti and a representative of the District Panchayat and Rural Development Officer shall be heard, prior to the decision.

If the authority comes to the conclusion that the petitioner would be entitled to such benefit, necessary directions shall be given by the authority. If the authority is

of the opinion that the petitioner would not be entitled to the benefits of the memoranda, reasons for such finding must be disclosed in the order.

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

A copy of the writ petition along with a server copy of this order be served upon the Joint Secretary to the Government of West Bengal, Department of Panchayat and Rural Development.

The writ petition is, thus, disposed of.

There shall be no order as to costs.

Parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)