

22.3.2023
Ct.19/sl.5
sn

W.P.A. 5093 of 2023

Sipra Goswami(Sanyal)

Vs.

The State of West Bengal & Ors.

Ms. Koyeli Bhattacharyya

..for the petitioner

Mr. Raja Saha

Mr. S.P.Lahiri

..for the State

Mr. Sunil Gupta

Mr. Hasibul Islam

..for the zilla parishad

The petitioner is aggrieved by inaction of the Dakshin Dinajpur Zilla Parishad. According to the petitioner, the Executive Assistant of the Dakshin Dinajpur Zilla Parishad failed and neglected to grant benefits to the petitioner for the promotional post of “Office Superintendent” of the Dakshin Dinajpur Zilla Parishad with effect from the date of the vacancy, that is, February 1, 2019.

The Deputy Secretary to the Government of West Bengal, Panchayats & Rural Development Department, by a letter dated September 24, 2021 had intimated the Assistant Executive Officer of the Dakshin Dinajpur Zilla Parishad, that the case of the petitioner should be covered by the notification dated March 7, 2017.

As per clause 9 of the notification dated March 7, 2017, issued by the Government of West Bengal,

Panchayats & Rural Development Department, the promotional benefits should be extended to Group A, B & C officers of the Panchayati Raj institutions, from the date of occurrence of the vacancy. The letter dated September 24, 2021 is quoted below:-

“From: Deputy Secretary
To the Govt, of West Bengal

To : AEO
Dakshin Dinajpur Zilla Parishad
Balurghat

Sub: Clarification regarding promotion to the post of Office Superintendent, Accountant and UDA of Dakshin Dinajpur Zilla Parishad.

Sir,

In reference to captioned subject I am directed to state the following facts:-

1. The undersigned is directed to inform that the memo no. 499/PN/O/III/2E-62/09 dtd.07.03.2017 should be strictly followed with regard to the promotion of Smt. Sipra Goswami(Sanyal) to the post of Office Superintendent.

2. In case of incumbent of sl.no.2 and 3 both the posts were vacant before their joining. It is not clear in which post they joined.

Therefore, you are requested to send the details about joining of incumbents at sl.no.2&3 as mentioned above to this Department at your earliest.”

The appropriate department furnished the clarification on the request of the Zilla Parishad made via Memo dated September 14, 2021. The Executive Officer in the order granting promotion dated September 22, 2021 also inter alia, stated that such clarification shall be complied with. The

clarification should be made applicable in case of the petitioner. The Deputy Secretary, Government of West Bengal, Department of Panchayat & Rural Development categorically intimated the authorities of the zilla parishad that the memo dated March 7, 2021 should be followed with regard to the promotion of the petitioner to the post of Office Superintendent.

Under such circumstances, this writ petition is disposed of with a direction upon the Additional Executive Officer, Dakshin Dinajpur Zilla Parishad to pass necessary orders in terms of the clarification issued by the Government of West Bengal dated September 24, 2021 in respect of the promotion to the petitioner from the date when the vacancy arose, and grant the benefits accordingly.

Necessary orders in this regard shall be passed and intimated to the petitioner within a period of two months from the date of communication of this order.

This writ petition is disposed of.

There will be, however, no order as to costs.

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

(Shampa Sarkar, J.)