

30.3.2023
Ct.19/sl12
sn

W.P.A. 6876 of 2023

Ashoke Kumar Bandyopadhyay

Vs.

The State of West Bengal & Ors.

Mr. Chittapriya Ghosh

Ms. Priyanka Saha

..for the petitioner

Ms. Jayeeta Sinha

Mr. Sandip Mandal

..for the State

Let the affidavit of service be taken on record.

The petitioner seeks reengagement on contractual basis to the post of “Technical Assistant” on attaining the age of 60 years. Such claim has been made on the basis of memo no. 4924-RD/P/NREGA/185-07/06 dated October 28, 2015.

This Court is not inclined to pass any orders approving the petitioner as a technical assistant of Suri-I Development Block, as the authorities competent to decide the issue has not yet expressed any opinion.

The District Magistrate and District Programme Co-Ordinator, Birbhum, by a letter dated November 10, 2022 requested the Commissioner, MGNREGA, Government of West Bengal, Panchayat & Rural Development Department to grant necessary approval for reengagement or renewal of the yearly contract of the petitioner which had fallen due in January, 2023.

Under such circumstances, this writ petition is disposed of with a direction upon the Commissioner, MGNREGA, to take a decision on the basis of the communication received from the District Magistrate and District Programme Co-Ordinator, Birbhum, by a letter dated November 10, 2022, which is Annexure P/4 at page 19 of the writ petition. While deciding the issue, the Commissioner, MGNREGA, may require the presence of the petitioner or any other competent authority, who can vouch for the eligibility and capability of the petitioner to be re-engaged as a Technical Assistant in terms of the memo no. 4924-RD/P/NREGA/185-07/06 dated October 28, 2015.

A reasoned order shall be passed and communicated to all.

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

As the matter is pending since long, before the Commissioner, the Court directs that the time period mentioned hereinabove should be treated as peremptory.

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.)