

15.05.2023
Sl. No.2(DL)
srm

W.P.A. No. 8924 of 2022

Manik Tripathi

Versus

The State of West Bengal & Ors.

Sk. Sahjahan Ali

....for the Petitioner.

Mr. Lalit Mohan Mahata,
Mr. Prasanta Behari Mahata

...for the State-respondents.

Mr. Balailala Sahoo,
Mr. Sankha Prasad Roy

...for the Respondent No.11.

The petitioner contends that he was engaged as a Village Level Entrepreneur (VLE) on contractual basis on and from April 1, 2012. Such contract was for a period of six months, which was renewed from time to time, allegedly up to 2020.

Remuneration had not been paid for the entire period, it is alleged. Further contention is that the petitioner's engagement was discontinued and the contract has not been renewed since 2020.

The petitioner approached the authorities for certain information under the Right to Information Act. The authority replied to the petitioner under the Right to

Information Act, *inter alia*, indicating that the respondent No.11 was the only recognized VLE in the Majilpur Gram Panchayat, Purba Medinipur. The authority indicated that the respondent No.11 was engaged by the Pradhan of the concerned gram panchayat.

From the averments in the writ petition and the letters written by the petitioner, it appears that the main grievance of the petitioner is non-payment of remuneration. The allegation of arbitrary discontinuation of the petitioner from his engagement by not renewing the contract has not been pleaded in the writ petition, although submitted by Mr. Ali.

Mr. Sahoo, learned Advocate for the respondent No.11 denies the contention of the petitioner that the said respondent had never been engaged as a VLE and submits that initially engagements were made for Data Entry Operators (DEO) as per notification of the government. Such engagement was made sometime in 2008 and the respondent No.11 started functioning as a DEO in the said gram panchayat in projects under the MGNREGS. Such post of DEO was converted to the post of VLE and the respondent No.11 since then started functioning as a VLE. The engagement of the respondent No.11 had been

sanctioned and the salary of the said respondent was paid in terms of the notification issued by the government.

Both parties have adequate documents to show that they have been engaged as VLE in Majilpur Gram Panchayat. The petitioner has annexed certain documents which indicate that the petitioner had been sent for training as a representative (VLE) of Majilpur Gram Panchayat in 2015.

Thus, in view of such disputed questions of facts, the Court is not in a position to assess the nature of engagement of the petitioner and that of the respondent No.11 and also whether both continued as VLE in Majilpur Gram Panchayat.

The writ petition is disposed of directing the District Nodal Officer (MGNREGS Cell), Purba Medinipur, to treat the writ petition as the representation of the petitioner and dispose of the same, in accordance with law.

While deciding the issues raised by the petitioner, the parties shall be heard and necessary steps shall be taken, in accordance with law. All the documents that shall be filed or relied upon by the parties, will be taken into consideration.

A reasoned order shall be passed and communicated. Steps shall be taken by the authorities, on the basis of such findings.

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 District Nodal Officer (MGNREGS Cell), Purba Medinipur.

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.)