

15.05.2023
Sl. No.17(DL)
srm

W.P.A. No. 10119 of 2023

Haridas Mondal

Versus

The State of West Bengal & Ors.

Ms. Gopa Biswas,
Ms. Payel Shome

....for the Petitioner.

Mr. Lalit Mohan Mahata,
Mr. Prasanta Behari Mahata

...for the State-respondents.

Mr. Lalratan Mondal

...for the Respondent No.4.

Affidavit-of-service is taken on record.

The petitioner prays for a direction upon the respondent to include the petitioner in the list of casual employees under the Barasat 1 Development Block, for onward transmission to the government authorities so that the revised remuneration as applicable in terms of the Finance Department's notifications could be extended to the petitioner.

Pursuant to a resolution adopted by the Ichapur Nilgange Gram Panchayat, North 24-Parganas, sometime in July, 2011, the petitioner was engaged to perform certain works in the gram panchayat office. The resolution indicates that being overloaded with work, the gram panchayat

required some additional help. Accordingly, some persons were engaged without any remuneration. However, bonus, TA and some monetary help was decided to be extended to such persons.

Again in 2013, similar decision was taken to engage such persons without any regular remuneration, but with some monetary benefits to be borne from the funds available in the gram panchayat office.

The letter written by the petitioner sometime in 2014 also indicates that the petitioner was willing to assist the gram panchayat without any remuneration, but with the hope that if in future any recruitment in the regular establishment of the gram panchayat would be made, the petitioner could be given a chance.

Thus, the engagement of the petitioner was not against any sanctioned post. The petitioner's service was not utilized on a regular basis, but only at times when there was need for some additional help. The panchayat authorities paid Rs.2,200/- for such work.

The petitioner, now claims the benefit of the notification issued by the Finance (Audit) Department, Government of West Bengal dated February 8, 2019. The said memorandum deals with enhancement of remuneration payable to casual/daily rated/contractual

workers engaged in various government establishments in terms of Memo No.9008-F(P) dated September 16, 2011. The notification provides the mode, manner and extent to which such revised remuneration shall be granted to contractual/casual/daily rated group-D and group-C workers.

Mr. Mahata, learned Additional Government Pleader submits that the petitioner was never engaged as a casual worker as contemplated under Memo No.9008-F(P) dated September 16, 2011. According to Mr. Mahata, the petitioner was asked to discharge some of the functions of a gram panchayat karmee.

Mr. Mondal, learned Advocate for the gram panchayat submits that as and when some additional work was required to be executed, persons from the locality were called to liquidate such work in lieu of monetary compensation. None of them would continuously work for a period of 240 days in a year and their job was not perennial in nature.

The contention of the petitioner that the petitioner was entitled to enhanced remuneration, is not acceptable. The petitioner had not fulfilled the requirements as per Memo No.9008-F(P) dated September 16, 2011 which provides that certain eligibility criteria should be fulfilled

by casual/daily rated/contractual workers, before they were treated as thus. Enhanced remuneration from the public exchequer could not be given to such persons. The petitioner was not working against any sanctioned post and he was not selected through a recruitment process. The engagement of the petitioner was purely on the personal relationship between the petitioner and the gram panchayat. Admittedly, the petitioner's father was an employee of the gram panchayat and the petitioner was used to visit the office to assist, but without any remuneration. The petitioner also agreed to work without any remuneration.

The writ petition is accordingly dismissed.

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.)