

01.02.2023
Court No. 19
Item 563
CP

W.P.A. No. 9889 of 2022
Sampad Bag
Vs.
The State of West Bengal & Ors.

Mr. Samiran Giri
...for the petitioner.
Mr. Malay Kr. Singh
Mr. B. Tripathy
...for the State.

The petitioner claims to have been engaged as a casual worker. Such engagement was on the basis of a resolution adopted by the Lauda Gram Panchayat. The petitioner contends that although the petitioner has been continuing to serve in the concerned gram panchayat since long, the benefits of the circulars namely, Memo No. 9008-F(P) dated September 16, 2011, Memo No. 4011-F(P) dated May 20, 2013, Memo No. 1107-F(P) dated February 25, 2016 and Memo No. 3998-F dated July 15, 2019 issued by the Finance Department, Audit Branch, Government of West Bengal, had not been given.

According to the petitioner, the petitioner met the eligibility criteria after having rendered 10 years of continuous service since 2011 and for a period of more than 240 days in a year. Security of continuity in service, one time retirement benefit and enhanced remuneration as per the memoranda mentioned

hereinabove from time to time should be granted. Applicability of the said memoranda in respect of casual workers is judged on certain paraphernalia with regard to the nature of engagement of the casual employee, date of engagement, certification of continuity, mode of selection and the vacancy in respect of which such appointment was made.

The petitioner has not been able to demonstrate before the court whether the petitioner had been engaged against a sanctioned vacant post through a recruitment process and also before engagement of casual employees had been stopped. Thus, mandatory directions cannot be passed.

The writ petition is disposed of with a direction upon the District Panchayat and Rural Development Officer, Purba Medinipur to treat the writ petition as a representation and dispose of the same in accordance with law.

The issues which shall be decided are as follows:

- a) Whether the petitioner participated in any selection process for being appointed on casual/temporary basis pursuant to any advertisement issued by the concerned gram panchayat. Whether such engagement was in consonance with the memorandum dated September 16, 2011.

- b) Whether the petitioner was engaged by way of a private arrangement, by the gram panchayat.
- c) The funds from which remuneration was paid to the petitioner.
- d) Whether the eligibility criteria as stated in memoranda bearing Memo No. 9008-F(P) dated September 16, 2011, Memo No. 4011-F(P) dated May 20, 2013, Memo No. 1107-F(P) dated February 25, 2016 and Memo No. 3998-F dated July 15, 2019, had been fulfilled in every aspect.

The petitioner and a representative of the concerned gram panchayat shall be heard.

A reasoned order shall be passed and communicated to the parties.

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

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

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

(Shampa Sarkar, J.)