

01.02.2023
Sl. No.592(ML)
srm

W.P.A. No. 11093 of 2022

Mantu Mahali

Versus

The State of West Bengal & Ors.

Mr. Anjan Bhattacharjee,
Mr. Allen Felix

....for the Petitioner.

Affidavit-of-service is taken on record. Despite service, none appears on behalf of the respondents.

The petitioner contends that he was engaged on a temporary basis as a Panchayat Karmee (group-D) on January 19, 2009 against a sanctioned post, in place of one Narandra Nath Kahar, who had become indisposed. Since then the petitioner continued to serve under the Khasbalanda Gram Panchayat, District-North 24-Parganas.

Claiming financial benefit as per Finance Department Memo No.9008-F(P) dated September 16, 2011, the petitioner approached the District Panchayat and Rural Development Officer, North 24-Parganas. The said officer forwarded a recommendation in favour of grant of benefits to the petitioner to the Additional District Magistrate (Panchayat), North 24-Parganas, Barasat. Thereafter, the Additional District Magistrate (Panchayat), North 24-

Parganas recommended the case and forwarded the details to the Joint Secretary to the Government of West Bengal, Panchayat and Rural Development Department by a letter dated November 29, 2021. The Deputy Secretary (PRI Cell) to the Government of West Bengal, by a letter dated February 2, 2022 asked the Additional District Magistrate (Panchayat), North 24-Parganas, Barasat to incorporate certain corrections in the said report and clarify whether the petitioner had been engaged after April 1, 2010 or not.

The writ petition is disposed of with a direction upon the Additional District Magistrate (Panchayat), North 24-Parganas, Barasat to comply with the direction of the Deputy Secretary (PRI Cell) to the Government of West Bengal dated February 2, 2022 and clarify the questions which have been raised in the said letter. Such clarification shall reach the concerned authority within three weeks from date of communication of this order.

Once the clarification and necessary corrections are received, the Deputy Secretary (PRI Cell) to the Government of West Bengal shall take necessary steps in accordance with law and dispose of the case of the petitioner. Whether the provisions of the Finance Department's Memo No.9008-F(P) dated September 16, 2011 and all similar memoranda issued from time to time

would be applicable or not, will be decided. A reasoned order shall be passed and communicated within a period of six weeks from the date of receipt of the clarification/correction from the Additional District Magistrate (Panchayat), North 24-Parganas, Barasat. The petitioner and the Pradhan shall be heard.

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.)