

12.04.2023  
Sl. No.64(ML)  
srm

**W.P.A. No. 11930 of 2022**

**Dibyendu Bhattacharya**

**Versus**

**The State of West Bengal & Ors.**

Mr. Debashis Banerjee,  
Mr. Supreem Naskar,  
Mr. Rakesh Jana

....for the Petitioner.

Mr. Susanta Pal,  
Mr. Prabir Kumar Ray

...for the State-respondents.

This writ petition has been filed alleging that the erstwhile Pradhan of Hariharpur Gram Panchayat, South 24-Parganas had failed and neglected to issue the release order in favour of the petitioner so that the petitioner could join the transferred post in terms of the order of the Additional District Magistrate (ZP), South 24-Parganas dated May 2, 2022. Such order was passed upon taking into consideration the physical disability of the petitioner on the basis of the report of the medical board. This court had directed consideration of the case of the petitioner.

During the pendency of the writ petition, the grievance of the petitioner has been met and the petitioner has been allowed to join at Manirtat Gram Panchayat,

South 24-Parganas. The release order was issued. The petitioner is apprehensive that the period between the order of transfer of the petitioner to Manirtat Gram Panchayat, South 24-Parganas passed by the Additional District Magistrate (ZP), South 24-Parganas dated May 2, 2022 and the date of his joining the post, would be treated as unauthorised absence by the employer.

The Court feels that such apprehension is premature. It is the petitioner's contention that the release order was issued on March 31, 2023 and the petitioner joined the transferred post on April 4, 2023.

The period of absence is usually dealt with in terms of the service rules applicable to the employee.

It is the contention of the petitioner that the Pradhan, Hariharpur, Gram Panchayat did not intentionally issue the release order, although the decision was taken by the Additional District Magistrate on May 2, 2022. Only when the Pradhan changed, such release order had been issued.

This factual aspect cannot be ascertained at this stage. However, the petitioner is always at liberty to approach the authority with his grievances and pray for adjustment of the period of absence in accordance with the service rules. In such event, the authority will proceed

according to law. This court has not made any observation on the merits of such contention of the petitioner.

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.)**