

15.05.2023
Court No. 19
Item 03
CP

WPA No. 13212 of 2022

Shri Shankar Kumar
Vs
The State of West Bengal & Ors.

Mr. Sougata Mitra
Mr. Avishek Prasad
Ms. Ankita Dey
Mr. S. Maitra

... for the petitioner.

Ms. Sweta Mukherjee
Mr. Sayan Ganguly

....for the State.

It appears from the order passed by the District Panchayat and Rural Development Officer, Purulia that the petitioner who was engaged as a tube-well mechanic under the Baghmundi Panchayat Samiti, was not engaged as per the rules and regulations applicable for engagement under the Panchayat & Rural Development Department. There was no sanctioned post of tube-well mechanic in the panchayat samiti. The contractual engagement of the petitioner and/or engagement of the petitioner as a daily rated worker was not in accordance with the provisions/conditions laid down in Memo No. 9008-F(P) dated September 16, 2011. Hence, the authority who was directed by the court to decide the matter found the petitioner ineligible for grant of the benefits of the said circular.

Surprisingly, the matter has now been sent to the higher authorities as also to the Executive Engineer, P.H.E., Purulia for necessary information and clarification.

It appears to the court that the District Panchayat and Rural Development Officer, Purulia was unsure of the provisions relating to extension of benefits of Memo No. 9008-F(P) dated September 16, 2011 thus, while expressing his opinion in the negative had also deemed it fit to take further opinion and approval from his higher authorities.

If the authority was satisfied that the petitioner did not come within the ambit of Memo No. 9008-F(P) dated September 16, 2011, further requirement for an approval or a clarification from other authorities, was not required. The order itself indicates that the District Panchayat and Rural Development Officer, Purulia was not sure whether the petitioner would be entitled to the benefits of the aforementioned circular.

Hence, the writ petition is disposed of directing the Principal Secretary, Department of Panchayats & Rural Development to take a decision with regard to the applicability of the Memo No. 9008-F(P) dated September 16, 2011 in case of the petitioner. The findings arrived at by the District Panchayat and Rural Development Officer, Purulia, shall be

considered. The decision shall be communicated to the petitioner.

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

The report filed by the State authorities is taken on record.

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.)