

May 2, 2023
Sl. No.3
Court No.19
s.biswas

WPA 16234 of 2022

Laxmi Mandal alias Lakshmi Mandal

vs.

The State of West Bengal and others

Mr. Pinaki Dhole

... for the petitioner

Mr. Susovan Sengupta

Mr. Manas Kumar Sadhu

... for the State

Mr. Ramdulal Manna,

Mr. Jayanta Mukherjee,

Mr. Bireswar Banerjee,

Mr. Sayan Mukherjee

... for the private respondent

Affidavit of service filed by the petitioner is taken on record.

The petitioner claims to have been working as a casual worker in the office of the Block Development Officer, Kaliachak-III Development Block. The petitioner submits that the benefits of the circulars which provide security of tenure, enhancement of remuneration and one time retirement benefit to casual, daily rated and temporary workers, who had been discharging duties under the different departments, undertakings and local bodies of the State of West Bengal, should also be granted to the petitioner.

Reference is made to several documents in support of the contention that the petitioner had been engaged on contractual basis to discharge duties as a night guard.

Records do not reveal that the petitioner's case was recommended by the authorities but the fact

that the petitioner's name was mentioned in the list of casual/contractual worker by the Block Development Officer several times, is not in dispute.

However, whether the provision of Memorandum No.9008-F(P) dated September 16, 2011 and similar notifications issued subsequently, would apply in case of the petitioner, must be decided by the authorities on the basis of the records. Whether the petitioner satisfied the eligibility criteria as per Memorandum dated September 16, 2011, has to be ascertained first.

The writ petition is disposed of with direction upon the District Panchayats and Rural Development Officer, Malda to dispose of the representation of the petitioner, which is annexed as Annexure P-9 at page 37, in accordance with law.

While deciding the matter, the petitioner, the Block Development Officer, Kaliachak-III Development Block, shall be heard. The records available in the offices where the petitioner worked and also available with the petitioner, shall be taken into consideration. A reasoned order shall be passed and communicated to all the concerned.

The entire exercise shall be completed within a period of two 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 server copy of this order.

(Shampa Sarkar, J.)