

April 20, 2023
Sl. No.A 159
Court No.19
s.biswas

WPA 16402 of 2022

Dipak Mozumder
vs.
The State of West Bengal and others

Mr. Rajib Kr. Acharyya,
Mr. Banshi Badan Maity, Advocates
... for the petitioner
Mr. Jaharlal De,
Mr. Shamim Ul Bari, Advocates
... for the State
Mr. Prasenjit Debnath,
Ms. Pritha Biswas, Advocates
... for the respondent No.6

The petitioner is aggrieved by a communication of the Pradhan of Payradanga Gram Panchayat dated May 29, 2022.

It appears that the general body of the Payradanga Gram Panchayat, in its meeting held on 26.04.2022, decided not to renew the contract of the petitioner as a Tax Collecting Sarkar and released the petitioner from the said post. The said decision was taken on the ground that the petitioner had crossed the age of 65 years.

Learned advocates for the panchayat authorities as also the State respondents submit that engagement of Tax Collecting Sarkars was done in terms of Chapter XI of the West Bengal Panchayat (Gram Panchayat Accounts, Audit and Budget) Rules, 2007.

A decision was taken in terms of Rule 31(4) of the said Rules of 2007. The petitioner was informed

the reasons as to why his contract could not be renewed.

The petitioner has challenged such order on the ground of arbitrariness, illegality and violation of the principles of natural justice.

Learned advocate for the Pradhan submits that the petitioner was sufficiently informed about the proceeding. It is further submitted that a provision for appeal has been prescribed under Sub-Rule 5 of Rule 31 of the said Rules of 2007.

The Court has not gone into the merits of the claims of the petitioner. The petitioner is at liberty to prefer an appeal before the Block Development Officer, Ranaghat-I Development Block, in accordance with law. All points raised herein, including the allegation of denial of an opportunity of being heard, can be raised in the appeal.

During hearing of the appeal, the petitioner and the Pradhan of the Payradanga Gram Panchayat shall be granted adequate opportunity to place their cases. A reasoned order shall be passed. The appellate authority shall decide all the issues raised by the petitioner independently and on the basis of the documents that shall be submitted by the petitioner as also by the Payradanga Gram Panchayat. The allegation of violation of the principles of natural justice will also be considered.

The appellate authority will decide whether proper procedure in terms of Rule 31(4) of the said Rules were followed and the petitioner was given an opportunity to show cause before any decision was taken.

The entire exercise shall be completed within a period of two months from the date of receipt of the petitioner's appeal.

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.)