

April 20, 2023
Sl. No.A 162
Court No.19
s.biswas

WPA 16428 of 2022

Ghiasuddin Ahamed

vs.

The State of West Bengal and others

Mr. Timir Baran Saha,
Mr. Prabir Majumder,
Mr. Snehansu Majumder, Advocates

... for the petitioner

Mr. Rajarshi Basu,
Mr. K. M. Hossain, Advocates

... for the State

The petitioner prays for a mandamus upon the State of West Bengal to grant him promotion to the post of Panchayat Karmee.

The Recruitment Rules for promotion to Panchayat Karmees provide that 30% of the vacancies will be filled up through in-house promotion from Tax Collection Sarkars.

Accordingly, the petitioner has made such a prayer.

The prayer cannot be granted as the upper age limit for being appointed as a Panchayat Karmee is 45 years. Secondly, even if the petitioner has right to be promoted, such promotion is granted by way of a selection process and is not automatic.

Under such circumstances, the prayer of the petitioner cannot be allowed.

Learned advocate for the petitioner seeks liberty to approach the authorities with a prayer for enhancement of remuneration in terms of the Memorandum dated February 8, 2019. The said

Memorandum provides for revision of remuneration in respect of casual/daily-wager/contractual workers engaged in various government establishments as also local authorities. The conditions to be fulfilled by the worker to come under the purview of the said Memorandum are satisfaction of some of the conditions laid down in the Memorandum No.9008-F(P) dated September 16, 2011.

Liberty is granted to the petitioner to approach the competent authority in accordance with law. The authority shall consider the case for enhancement of remuneration in terms of the above memoranda, upon the petitioner fulfilling all the criteria.

The authority shall pass a reasoned order and communicate the decision to the petitioner within a period of two months from the date of receipt of the petitioner's representation.

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.)