

Item No.11

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

27.09.2023
Ct-24

WPA 22963 of 2023
Tathagata Saha & Ors.

v.

The State of West Bengal & Ors.

Mr. Anjan Bhattacharya

Mr. Anita Shaw

... for the petitioners.

Mr. Bibekananda Tripathy

Mr. Kaustav Chatterjee

... for the State.

The petitioners were engaged on contract as Trainee Computerized Accounts Assistants in the Gram Panchayats in July 2015. The contract was effective from July 20, 2015 till March 31, 2016 subject to renewal.

The terms and conditions in the contract mention that the headquarters of the Gram Panchayat where the candidates may be posted after one month's training will be the place of posting as well as the headquarters. The candidate may be transferred within the State at any time during the tenure of the contract, at the discretion of the authority, in public interest. The candidate will be entitled to receive consolidated remuneration of Rs. 9,500/- only per month. After the candidates agreed to accept the terms and conditions of the contract, engagement letter was issued to them.

By a memo dated September 12, 2023 the Panchayat and Rural Development Department redesignated the Gram Panchayat Computerized Accounts Assistants as Block Level Accounts and

Administrative Assistants. According to the Finance Department, Government of West Bengal, 253 Gram Panchayat Computerized Accounts Assistants were redesignated as the Block Level Accounts and Administrative Assistants with enhancement of monthly salary from Rs. 9,500/- to Rs. 13,000/-.

As per the said memo the service of these 253 Gram Panchayat Computerized Accounts Assistants was to be discontinued with effect from their joining in the block and they are to be posted at the office of the District Panchayat and Rural Development Officer or in the office of the Block Development Officer.

The Member Secretary, STARPARD requested the District Magistrate to arrange for obtaining the willingness of the existing Gram Panchayat Assistants for redesignation as the Block Level Assistants and to forward the same to the department within September 29, 2023. The memo further mentions that the willing Gram Panchayat Assistants who will join as Block Level Assistants will receive monthly remuneration at enhanced rate with effect from November 1, 2023 and their remuneration will be paid out of the RGSA fund which will be sent by the DPRDO to the office of the Member Secretary for payment of remuneration. No requisition shall be entertained from the districts for payment of remuneration to the Gram Panchayat Assistants who will be unwilling to join in the block after October 31, 2023.

The petitioners submit that with the remuneration that they receive it will be practically impossible for them to relocate at the block which is more than 200 kilometers away from their residences. The petitioners are unwilling to join as the Block Level Assistants. The

petitioners apprehend that their remuneration may not be paid after October 31, 2023.

Learned advocate representing the State respondents submits that the service conditions of the petitioners clearly mentions that they may be transferred anywhere throughout the State. The petitioners accepted the said condition and only thereafter they were engaged.

It has been made clear by the learned advocate representing the State respondents that willingness has been sought from the Gram Panchayat Assistants who may be willing to join as the Block Level Assistants. There is no force and/or pressure upon the Gram Panchayat Assistants to join in the block.

The candidates who join the block will be entitled to the remuneration from the Revamped Rashtriya Gram Swaraj Abhiyan (RGSA) Funds whereas the candidates who are within the Gram Panchayat will receive their remuneration in the same manner as they received earlier.

It is only for the candidates who are willing to join the blocks, will be paid from the RGAS fund. There is no threat of non-payment of remuneration to the Gram Panchayat Assistants who are unwilling to join the blocks.

In view of the aforesaid submissions, it appears that the apprehension of the petitioners is misplaced. If the petitioners are unwilling to join the blocks, then the authorities shall continue to pay remuneration to them in the same manner as was paid earlier.

The petitioners submit that they are not being paid remuneration for the past couple of months. The department is directed to take immediate steps for releasing the arrear remuneration of the petitioners.

The writ petition has been filed by nineteen writ petitioners by depositing only one Court fees.

Learned advocate for the petitioners is directed to deposit the deficit Court fees in respect of eighteen writ petitioners in the course of the day. It is made clear that in the event, the deficit Court fees are not paid, the order passed herein will be restricted only in respect of the petitioner no. 1 and the writ petition shall be deemed to have been dismissed in respect of the others.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

Sh

(Amrita Sinha, J.)