

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
Constitutional Writ Jurisdiction
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri.**

W.P.A. 2900 of 2022

**Sushanta Majumder
-Versus-
The State of West Bengal & Ors.**

**For the Petitioner : Mr. Biplab Kumar Sengupta, Adv.
Mr. Kumar Shantanu, Adv.
Ms. Kausturi Hazari, Adv.**

**For the State : Mr. Hirak Barman, Adv.
Mr. Momenur Rahman, Adv.**

Heard & Judgment On : 2nd February, 2023.

By an order dated 7th July, 2009, the District Magistrate, Darjeeling and Executive Officer, Siliguri Mahakuma Parishad appointed the present petitioner as Additional Gram Sahayak and he joined his service on 8th July, 2009 at Binnabari Gram Panchayat as Additional Gram Sahayak in a certain scale of pay. Vide a Notification dated 25th September, 2012, the Additional Gram Sahayak were redesignatd as Gram Panchayat Sahayak. While working as a Gram Panchayat Sahayak, the petitioner was directed to take charge of the Secretary, Binnabari Gram Panchayat until further order. Subsequently, he was directed to take over the charge of Gram Panchayat, Secretary, Binnabari Gram Panchayat in addition to his normal duties vide order

dated 22nd May, 2012. He was transferred from Binnabari GP to Raniganj Panishali GP vide order dated 30th June, 2016. It is alleged by the petitioner that he was promoted to the rank of Executive Assistant in-Charge giving responsibility of entire financial affairs of the whole Gram Panchayat without any increase of pay scale. The petitioner not only performed his duty taking extra burden and responsibility in his upgraded post but also appeared in the promotional examination and was qualified for the promotional post of a Secretary, Gram Panchayat. He also upgrade requisite basic computer training. Thereafter, he discharged all duties of Executive Assistant of different Gram Panchayats but his salary was not increased on such promotion. He made several representations to his employer but all such representations remain unanswered. Having no other alternative, the petitioner has filed the instant writ petition praying for issuing a writ in the nature of mandamus directing the District Magistrate, Darjeeling and Executive Officer, Siliguri Mahakuma Parishad to dispose of the representation dated 18th July, 2022 filed by the petitioner by a reasoned order after giving opportunity to the petitioner.

Learned Advocates for the State respondents and the District Magistrate, Darjeeling submit that the petitioner was directed to perform additional duties in addition to his own duties as Gram Sahayak. However, if the petitioner is entitled to get any promotional increment,

the matter may be looked into by the District Magistrate, Darjeeling and Executive Officer, Siliguri Mahakuma Parishad.

In view of such submissions, the instant writ petition is disposed of directing the respondent No.6 to dispose of the representation dated 18th July, 2022 filed by the petitioner within three weeks from the date of communication of this order after giving opportunity to the petitioner to place his case before the District Magistrate, Darjeeling.

The respondent No.6 shall dispose of the representation by a reasoned order and the same is communicated to the petitioner within two weeks from the date of the hearing.

The instant writ petition is accordingly disposed of on contest.

Since the instant writ petition is disposed of without any affidavit being filed on behalf of the respondents, it is deemed that all the allegations made by the petitioner are denied by the respondents.

The parties are at liberty to act on the server copy of the order.

(Bibek Chaudhuri, J.)

***Mithun
Ct No.2.
Sl No.19.***