

23.04.2024
Court No. 15
Item No. 07
(**Suwendu**)

W.P.A. 2347 of 2017

Arun Kumar Roy
-Versus-

The State of West Bengal & Ors.

Mr. Alok Roy Chowdhury
Ms. Anindita Roy Chowdhury

...for the petitioner

Mr. Lalit Mohan Mahata
Mr. Rudranil De

.....for State

In the writ petition the petitioner has claimed himself as a casual /daily rated worker of Majhergram Gram Panchayat, District –Nadia.

The learned advocate representing the petitioner submits that the petitioner having educational qualification of Class –VIII pass has been working from 1990 in the aforesaid Gram Panchayat first as a Watchman under the Social Forestry Scheme and in addition thereto, he had to perform all the works as Group –D employee of the said Gram Panchayat. The petitioner has prayed for enhancement of remuneration in terms of the Government Memorandum dated 16th September, 2011 issued by the OSD & E.O. Special Secretary, Government of West Bengal,

Finance Department. In support of such contention, reliance has been placed on a document dated 11th November, 2011 issued by the concerned Block Development Officer addressed to the District Panchayat and Rural Development Officer, Nadia which contains a chart indicating the particulars of the casual /daily rated/ contractual workers engaged in DPRDO/ BDO/ ZP/ PS/ GP office. The petitioner's name featured in the said chart against Serial No. 32. Therefore, it is contended that in view of engagement for rendering service as casual /daily rated worker in the Gram Panchayat, as it emanates from the document dated 11th November, 2011, he is entitled to receive benefit of enhancing his remuneration in terms of the relevant provisions of the Government Memorandum dated 16th September, 2011.

Mr. De, learned advocate representing the State respondents, during course of his submissions, has placed reliance on the report of the concerned Block Development Officer which has been prepared in terms of the order dated 19th March, 2024 and the same is taken on record. A copy of the said report of the Block Development Officer is made over to the learned advocate representing the petitioner.

According to the learned advocate appearing for the State respondents, the petitioner was neither appointed against any sanctioned post in the Gram Panchayat nor he is working as casual /daily rated worker in a Government establishment. Therefore, it is submitted on behalf of the State respondents that the provisions of the Government Memorandum dated 16th September, 2011 are not applicable in the case of the petitioner. According to the State respondents, there is no ambiguity in the order passed by the District Panchayat and Rural Development Officer, Nadia dated 30th November, 2016.

On consideration of the submissions made on behalf of the petitioner, it appears that the relief as sought for with regard to enhancement of remuneration of the petitioner rests on the Government Memorandum dated 16th September, 2011. The said Memorandum dated 16th September, 2011 prescribes fixation of remuneration of casual / daily rated / contractual workers who are engaged in various Government establishments. In addition thereto, in terms of Clause (i) of the said Memorandum the worker who is seeking the benefit in terms thereof is required to submit certificate relating to continuity of service which

needs to be issued by a competent officer. It is also provided in Clause (x) of the said Memorandum that the worker has to be engaged against a sanctioned post and in the case of engagement of worker in a short term project up to six years said Memorandum is not applicable.

Therefore, these conditions as contemplated under the Memorandum dated 16th September, 2011 are required to be fulfilled in the case of the petitioner in order to get the benefit under the said Memorandum.

On perusal of the documents as well as the report as submitted by the Block Development Officer today, it transpires that the petitioner was appointed by the Majhergram Gram Panchayat on casual / daily rated basis but the said appointment was not against the sanctioned post. The office of the Gram Panchayat where the petitioner is serving cannot be considered as Government establishment as contemplated under the said Memorandum dated 16th September, 2011. In addition thereto, there is nothing on record which goes to show that the competent authority has issued any certificate with regard to continuity of service in favour of the petitioner.

In view of aforesaid scenario, the Memorandum dated 16th September, 2011 is

found to be inapplicable in the case of the petitioner. Therefore, this Court does not find any flaw in the order passed by the District Panchayat and Rural Development Officer, Nadia dated 30th November, 2016.

Accordingly, the writ petition stands dismissed.

There shall be no order as to costs.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Saugata Bhattacharyya, J.)