

11 27.02.2024
NB Ct. 24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
(Appellate Side)

WPA 5116 of 2024

Ashis Mandal
Vs.
The State of West Bengal & Ors.

Mr. Gangadhar Das,
Mr. Tanmoy Chattopadhyay.
...for the petitioner.

Mr. Santanu Kr. Mitra, Ld. SrGA,
Mr. Subhabrata Das.
...for the State.

Affidavit of service filed in Court is taken on record.

The petitioner was serving as a Nirman Sahayak of the Enayetpur Gram Panchayat. On account of his illness he had to stay away from work. He was hospitalised at one point of time and he took some time for recovery. A temporary arrangement was made by the Block Development Officer, Manikchak Development Block on 24th April, 2023 whereby, a separate person was requested to attend the Enayetpur Gram Panchayat for taking additional charge of the Nirman Sahayak in place and instead of the petitioner.

The petitioner ultimately recovered and applied for joining on 8th December, 2023. He has not been permitted to join on the ground that show cause notices were issued to him for remaining absent in an unauthorised manner without submission of formal application for leave.

The petitioner submits that both the show cause notices were replied by the petitioner in proper time.

The petitioner prays for a direction upon the respondent authorities to permit him to rejoin service.

It appears from the submission made on behalf of the parties that a formal disciplinary proceeding is yet to be initiated against the petitioner. The petitioner has submitted all his documents in support of his absence from work. Application for medical leave dated 19th April, 2023 was also forwarded by the petitioner to the Prodhan of the Gram Panchayat.

The petitioner submitted his reply to the show cause. The employer is yet to take a decision with regard to the replies filed by him. A temporary arrangement was made by the Block Development Officer upon consideration of the prayer made by the petitioner.

Accordingly, the Block Development Officer is directed to take immediate steps to consider the prayer of the petitioner seeking rejoining and pass a reasoned order within a period of fifteen days from the date of communication of this order. The reasoned order shall be communicated to the petitioner immediately thereafter.

The writ petition stands disposed of.

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

(Amrita Sinha, J.)