

30.04.2024
Court No. 15
Item No.4
(**Suvendu**)

W.P.A. 10129 of 2016

Bablu Kumar Mal
-Versus-

The State of West Bengal & Ors.

Mr. Victor Chatterjee
.....for the petitioner

The writ petition is taken up for consideration in presence of the learned advocate representing the petitioner.

However, no one is representing the State respondents and Panchayat authorities.

Mr. Chatterjee, learned advocate representing the petitioner submits that the petitioner was appointed in the post of Panchayat Karmee in Barla Gram Panchayat, District –Birbhum vide appointment letter dated 29th January, 2009 in terms of the order of the Coordinate Bench dated 17th September, 1996 passed on a writ petition being C.O. No. 13942 (W) of 1996.

According to the petitioner, there was delay of approximately 12 years in appointing the petitioner in terms of the order passed by the

Coordinate Bench on 17th September, 1996. The petitioner joined the post and thereafter retired on superannuation in the year 2018. Tenure of service of the petitioner fell short of qualifying service of ten years as a result whereof the petitioner will not be entitled to receive pensionary benefits. The present writ petition was preferred when the age of the petitioner was 58 years as it appears from the affidavit affirmed by the petitioner while instituting this writ petition knowing fully well that he would not be getting pensionary benefits since on the date of his retirement he would not complete ten years of qualifying service.

According to the petitioner, if within due time he would have been appointed as Panchayat Karmee in terms of the order dated 17th September, 1996 passed by the Coordinate Bench then before date of his superannuation he would have completed ten years of qualifying service which would make him entitled to receive the pensionary benefits.

Having considered the submissions made on behalf of the petitioner and on perusal of relevant documents available on record, it appears that there was an order passed by the

Coordinate Bench on 17th September, 1996 directing the authority to take steps for appointing the petitioner in Gram Panchayat. But, surprisingly after approximately 12 years appointment letter was issued in favour of the peittioner on 29th January, 2009. The delay caused in appointing the petitioner in terms of the order dated 17th September, 1996 is not attributable to him. Therefore, while considering the prayer of the petitioner for grant of pensionary benefits, such facts are required to be taken into consideration.

In view of aforesaid scenario, leave is granted to the petitioner to make a comprehensive representation to the Principal Secretary, Department of Panchayat and Rural Development being the respondent no. 1 within a period of fortnight from date claiming pensionary benefits in consideration of delay caused in giving appointment in terms of the order passed by the Coordinate Bench dated 17th September, 1996.

If such representation is made within the aforesaid time, the Principal Secretary, Department of Panchayat and Rural Development shall take a decision by passing a

reasoned order after granting opportunity of hearing to the petitioner or his representative and the concerned local Pachayat authorities within a period of twelve weeks from the date of receipt of the representation. The decision to be taken by the respondent no. 1 shall be communicated to the parties within one week from the date on which such decision to be taken.

With the above observations and directions, the writ petition stands disposed of.

There shall be, however, 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.)