

Item No.221

20.02.2024
Ct-24

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 14727 of 2023
Madan Mohan Chakraborty
v.
The State of West Bengal & Ors.

Mr. Ujjal Ray
Mr. Arpa Chakraborty
... for the petitioner.

Mr. Dwarika Nath Mukherjee
Mr. Mousumi Banerjee
...for the State.

Leave granted to the learned advocate-on-record of the petitioner to implead the Commissioner, Panchayats & Rural Development, West Bengal as party respondent in the instant writ petition.

The formality of servicing a copy of the writ petition upon the added respondent stands dispensed with as the State is represented by the learned advocate.

It appears that there is some issue with regard to the recording of the date of birth of the petitioner in his service records. The staff details as maintained by the Panchayats and Rural Development Department, Government of West Bengal records the date of birth of the petitioner as January 30, 1962. The date of birth of the petitioner recorded by the office of the employment exchange is December 31, 1968. The petitioner has retired from service on attaining his age of superannuation by relying on January 30, 1962 as his date of birth.

The petitioner has not been paid his terminal benefits on account of mismatch of his date of birth.

The Block Development Officer has opined that till the age correction is not made and the overage of the petitioner at the time of initial appointment is not relaxed, the petitioner will not be in a position to receive his terminal dues and other benefits.

As it appears that the petitioner has already rendered service from 2002 till his superannuation in 2022, accordingly, the petitioner would be eligible to receive his terminal dues.

In view of the above, the Court refers the matter to the Commissioner, Panchayats & Rural Development, Directorate of Panchayats and Rural Development to consider the prayer of the petitioner for correction of his date of birth and to treat his date of birth as January 30, 1962 as recorded in the staff details record maintained by the Panchayats & Rural Development Department.

The Commissioner shall also consider the prayer of the petitioner for condonation of his age on the date of his appointment.

Necessary steps shall be taken in the matter by the Commissioner after giving a reasonable opportunity of hearing to the petitioner to produce relevant documents in support of his claim of date of birth.

A decision shall be taken at the earliest but positively within a period of eight weeks from the date of communication of this order.

The Commissioner shall thereafter take necessary consequential steps in the matter.

The writ petition stands disposed of.

Instruction forwarded by the Block Development Officer, Garhbeta-III be retained with the records.

Affidavit-of-service filed in Court today is taken on record.

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

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(Amrita Sinha, J.)