

12.06.2024
Ct. No. 02
Sl. No.74
Cp

Calcutta High Court
In the Circuit Bench at Jalpaiguri

WPA No. 1042 of 2024

Moksed Hossain Bepari
Vs.
The State of West Bengal & ors.

Mr. Uday Narayan Betal
.....for the petitioner.

Mr. Subir Kumar Saha
Mr. Sandip Guha Roy
....for the State.

Mr. Sudipto Kr. Mazumder, Ld. DSGI
Mr. Sudip Kr. Paul
....for the respondents.

The petitioner was engaged as a casual worker (peon) since September 12, 2015 in Tufanganj-II Panchayat Samiti. The petitioner claims benefit of the Memoranda dated September 16, 2011, May 20, 2013, February 25, 2016, February 8, 2019 and March 1, 2024. The petitioner submits that he is entitled to enhanced remuneration as he has been rendering uninterrupted service.

The learned advocate for the State respondents submits that the petitioner is not entitled to any enhanced remuneration as he was appointed after 2011.

Mr. Betal, learned advocate appearing for the petitioner opposes such contention and submits that

the contention of the State respondents cannot be justified as the circulars dated February 25, 2016 and February 8, 2019 speak otherwise. He also submits that had it been a case that no one could be appointed after 2011 on casual/daily rated basis, then the categorization of remuneration of the casual/daily rated workers in the subsequent memoranda of 2016, 2019 and 2024, as per their period of engagement of less than 5 years or 5 to 10 years would not arise. The circular of 2011 deals with completion of 10 years of service upon rendering service for 240 days in a year.

Under such circumstances, this court is of the view that the writ petition should be disposed of with a direction upon the Secretary, Panchayat & Rural Development Department to treat the writ petition as a representation and to dispose of the same within four months from the date of communication of this order. The decision shall be taken in accordance with law, by taking into consideration all the memoranda which have been relied upon by the petitioner specially those of 2016, 2019 and 2024. It appears that the categorization of the remuneration payable has been made on the basis of initial engagement and on completion of 5, 10, 15 and 20 years of service as

per the memoranda of March 1, 2024 and clauses (ii), (iii) and (iv) thereof.

It appears that the circular of 2011 bearing Memorandum No. 9008-F(P), provided certain criteria to be fulfilled by such daily rated workers.

A reasoned order shall be passed and communicated to the petitioner.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)