

23.03.2026
rc/ct.no.15
Item No.10

WPA No. 9554 of 2025
Jiban Kumar Saha
Versus
The State of West Bengal & Ors.

Mr. Pinaki Dhole
Mr. Rabindra Kumar Pathak
Ms. Srijita Neel ..for the petitioner

Mr. Lalit Mohan Mahata
Mr. Ziaul Haque ...for the State

Affidavit of service filed by the petitioner is taken on record.

None appears for the Panchayat Samity despite service.

Learned counsel for the petitioner submits that the petitioner was appointed as a casual worker in the office of the Kaliachak-III Panchayat Samity from July, 2008 and was paid Rs. 600/- per month. The petitioner sought increment of his remuneration in terms of the memorandum issued by the Finance Department, Audit Branch, Government of West Bengal being No. 9008-F(P) dated September 16, 2011 whereby the casual daily rated/ contractual workers who have worked for 10 continuous years with at least 240 days in a year would be given the benefit to remain engaged in the same status till they attend the age of 60 years and would get remuneration of Rs.6600/- per month as well as an amount of Rs.1.00 lakh

at the time of retirement. The representation submitted by the petitioner not being considered, the petitioner approached this Court in a writ petition being WPA No. 6875 of 2019. By an order passed on February 16, 2022 a coordinate Bench of this Court directed the Block Development Officer, Kaliachak-III Development Block and Executive Officer Kaliachak-III, Panchayat Samity to consider and dispose of the representation submitted by the petitioner by taking into consideration the memorandum dated September 16, 2011 for grant of monthly salary of Rs.6600/-. In terms thereof, the remuneration of the petitioner was increased to Rs.16500/- in accordance with the Government order dated February 08, 2019. Subsequently, the memorandum dated September 16, 2011 was considered by the Government who by a memorandum dated February 08, 2019 directed that Group-D employees working for more than 15 years would get remuneration to the tune of Rs.19000/- per month. The memorandum was given effect from February 01, 2019. Further memorandum was issued by the Government of West Bengal on March 01, 2024 directing that with effect from April 01, 2024, the remuneration of Group-D employees who completed 15 years of service would be enhanced to Rs.30000/- per month with an annual increment of Rs.900/-. The petitioner submitted a representation before the concerned authority on May 03, 2024 seeking such remuneration

which was not considered. The petitioner again approached this Court in a writ petition being WPA No. 28938 of 2024. By an order passed on January 15, 2025, this Court directed the concerned authority to consider and dispose of the representation submitted by the petitioner within a stipulated time frame. In compliance thereof, the District Panchayat and Rural Development Officer, Malda by the order impugned, turned down the prayer of the petitioner with an observation that there was nothing on record to substantiate that the petitioner was awarded benefit of the memorandum dated September 16, 2011 and was not entitled to the further benefit in terms of the memorandum dated February 08, 2019. The authority has held that the petitioner was never appointed nor accorded the benefit of the memorandum dated September 16, 2011.

Upon consideration of the submission made on behalf of the parties, this Court is of the view that the memorandum dated September 16, 2011 is not concerned with the appointment of the casual/daily rated/contractual workers and only deals in the remuneration admissible to them upon completion of 10 years of continuous service with at least 240 days attendance each year. The petitioner was granted such benefit as well as benefit of the subsequent memorandum dated February 08, 2019 in terms of the order of this Court.

It is not in dispute that the petitioner has completed 15 years of service as on April 01, 2024. The memorandum dated March 01, 2024 which has considered the earlier memorandum dated September 16, 2011 accords remuneration of Rs.30,000/- per month to workers on completion of 15 years of service. In view of the fact that the petitioner has admittedly completed 15 years of service and was granted the benefit of the two earlier memoranda by the authority, he is entitled to the benefit accorded vide memorandum dated March 01, 2024. Therefore, this Court is inclined to hold that the order impugned is misconceived and does not reflect the correct state of affairs. The order is required to be set aside.

Accordingly, the order impugned dated March 03, 2025 passed by the District Panchayat and Rural Development Officer, Malda, being the 5th respondent herein, is set aside.

The 5th respondent is directed to pay monthly remuneration to the petitioner to the tune of Rs.30,000/- in terms of the memorandum dated March 01, 2024 with effect from April 01, 2024. The arrear amount shall be paid within two months from the date of communication of this order.

On the prayer of the petitioner liberty is granted to take necessary steps for payment of interest on the arrear amount before the concerned authority.

The writ petition is disposed of.

There shall, however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the writ petition are deemed not to have been admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh,J)