

16.12.2021
KC(1)

W.P.C.R.C. 142 of 2016
Salimuddin Mondal and Ors.
-versus-
Captain Ananda Gopal Bandyopadhyay
in
W.P. 326 of 2014
Haran Chandra Das and Ors.
-versus-
State of West Bengal and Ors.

Mr. Ritzu Ghosal,
Mr. Sayantan Bose,
Ms. Neha Mishra.....For the petitioners.

Mr. Suman Sengupta,
Mr. Sanatan Panja..... For the State.

Mr. Malay Kumar Singh,
Mr. Sandip Dey,
Ms. Nabamita Kapat.....For the added respondents.

Ms. Bijjoyini Ghosh,
Ms. Rajesh Kshetry.....For the added respondents.

Mr. Rabi Sankar Chattopadhyay,
Mr. Sayan Chattopadhyay.....For the added
respondent nos. 25-28.

Altogether 33 (thirty three) persons are seeking similar orders from this court. 15 (fifteen) of them are the original writ petitioners, 14 (fourteen) were added as supporting respondents subsequently. Thereafter, a further 4 (four) supporting respondents were made parties. All these parties will be hereinafter referred to as the writ petitioners and supporting respondents.

The cause of action of the writ petitioners arose out of a scheme of the Central Government, operative from October, 2000 connected with the National Project

for Cattle and Buffalo Breeding (NPCCB). The scheme received 100% grant-in-aid from the Central Government. It was to be implemented by a State implementing agency. The original scheme was scheduled to come to an end in 2014.

According to Mr. Ritzu Ghosal, learned counsel for the writ petitioners, the scheme stood extended till much later whereas according to Mr. Sengupta, learned counsel for State it was not extended beyond 2014.

This scheme involved participation of a few thousand workers engaged on contractual basis for insemination of cows and buffaloes. Each worker received remuneration and incentives as laid down in the scheme. They are called Prani bandhus.

Their grievance is that the State Government has subsequently introduced a new scheme for the same purpose to their exclusion which has caused them loss of work and great financial hardship.

Mr. Sengupta, learned counsel for the State on instruction, has taken a very fair stand in the matter. He says that the State government is prepared to engage all the writ petitioners and the supporting respondents to do this insemination work, provided he or she makes an appropriate application before the Government. Learned counsel submits that as of now Rs. 5,000/- (five thousand) is being paid to each worker

achieving the required target based on the number of successful inseminations.

If this stand has been taken by the State Government, it takes care of the grievance, provided it is implemented strictly on the terms and conditions now stated before me.

In those circumstances, I dispose of this writ application by directing that each of the writ petitioners and the supporting respondents, who is interested in working under the said scheme of the State Government, is entitled to make an application signifying his or her intention to the Chief Executive Officer, Paschimbanga Gosampad Vikash Sangsthan by 3rd January, 2022. It is made clear that any person making the application shall be deemed to be eligible for the simple reason that all of them have a proven track record of working under the Central scheme in force.

The State Government shall issue a formal letter intimating the engagement of each of the writ petitioners and supporting respondents under the said new scheme by 20th January, 2022. The State authority shall also ensure that each of the writ petitioners and supporting respondents selected is allotted more or less the same amount of work which is allotted to the existing workers under the scheme so that there is transparency and fair distribution of work.

After the writ petitioners and supporting respondents are issued the letter of engagement, the Principal Secretary, Animal Husbandry Department, Government of West Bengal will consider prayer (f) of the writ petition relating to the training stipend only, within a period of four months from such date after giving a short hearing to the writ petitioners and the supporting respondents and by a reasoned order.

At this stage, Mr. Sengupta submits that the State was only the implementing agency and such decision could only be taken by the Central Government.

The fund relating to the scheme was and is with the State Government. Whether under the scheme a State official could take a decision regarding payment of stipend is immaterial. The court is entrusting the Principal Secretary of the said department to duly consider and take a decision in the matter considering the nature, purport and scope of the said claim under prayer (f). That takes care of the objection.

The writ application and the contempt application are disposed of by this order without initiation of any proceeding in contempt.

(I.P. MUKERJI, J.)

