

12.01.2021
Item No.08
Court No.16
AP/ss

WPST 18 of 2020

Sri. Ajit Bag
-Vs.-
The State of West Bengal & Ors.
(Through Video Conference)

Ms. Priyakshi Banerjee
... Advocate for the petitioner,
present in virtual mode.

Mr. Joytosh Majumdar, Ld. G.P.,
... Advocate for the State,
present in virtual mode.

M/s. Raja Saha and
Kakoli Samajpati
... Advocates for the State,
present in court.

The present writ petition has been filed challenging the impugned order dated 21.03.2016 passed by the West Bengal Administrative Tribunal (in short 'the Tribunal') in O.A. No.358 of 2014.

The writ petition was filed in this court on February 19, 2020 that is after about 4 years of passing of the impugned order by the Tribunal.

The petitioner in the present writ petition had approached the Tribunal seeking a direction to enhance and fix pay in terms of Memo No.3727-F dated May 20, 2009. In terms of the aforesaid Memo the employees employed throughout or part of the year were to be paid wages not exceeding ₹2,000/- per month, without any allowance.

In the case in hand the petitioner claimed that he is working as part time sweeper and water carrier in

the office of the Veterinary Surgeon, Additional Block Animal Health Centre, Nowapara, Nadia. It is evident from the record that he was working as such from the year 1989-90 onwards. Initially, he was paid ₹15 per month. The amount being paid to the petitioner was enhanced from time to time. At the time of filing of the O.A. he was getting ₹500/- per month. A communication dated February 12, 2014 from Veterinary Officer, Additional Block Animal Health Centre, Noapara, Nadia was sent to the petitioner asking him to submit fresh bill for sweeping and water carrying charges for ₹500/- in stead of ₹2,000/- as claimed by him. Though the O.A. was filed by the petitioner thereafter, there is nothing on record to suggest that the aforesaid communication was under challenge.

At the time of hearing learned counsel for the petitioner submitted that direction be issued to the respondents to consider the claim of the petitioner for enhancement of the amount being paid to him. He was working as a part time sweeper and water carrier. As regards delay in filing the preset writ petition in this court it was argued that the petitioner did not have enough money to approach this court. It is only after one NGO was approached by him who helped him in filing the present petition.

The learned counsel for the respondents submitted that communication dated February 12,

2014 issued to the petitioner prior to his filing of the O.A. asking him to furnish bill for sweeping and water carrying charges @ ₹500/- per month in stead of ₹2,000/- per month raised by him was not impugned by him before the Tribunal.

He further submitted that in the aforesaid communication it was mentioned that daily work of the petitioner was not exceeding one hour. It has so been considered by the Tribunal in the impugned order. The petitioner was not working full time. The amount being paid to him is reasonable.

He further submitted that the present petition was filed nearly 4 years after the matter was disposed of by the Tribunal, hence, the same deserves to be dismissed on account of delay and laches.

After hearing learned counsel for the parties we do not find any ground is made to interfere in the present writ petition. Impugned order suggests that average daily working of the petitioner is within one hour, for which he was being paid ₹500/- per month at present. From the documents on record it was evident that initially the petitioner may have been engaged way back in the year 1989-90. He was being paid ₹15/- per month. The amount was gradually increased. Communication dated February 12, 2014, issued to the petitioner prior to filing of OA to raise bills for ₹500/- per month, instead of ₹2,000/-, was not challenged by him before the Tribunal. Any amount

can be paid to the persons engaged as per the policy. It would not be appropriate for this Court to fix any amount in exercise of power of judicial review of the order passed by the Tribunal. But the fact remains that there is overall increase in wages being paid to the regular or contractual employees working with the Government or all other part time employees. The claim of all part time employees should also be considered and reasonable amount be paid to them as well, whenever, there is increase in the wages.

As we are not interfering in the order passed by the Tribunal, we do not go into the question of delay in filing the preset writ petition after the order passed by the Tribunal. Though if considered strictly, it may be liable to be dismissed on delay and laches only, as even before the Tribunal the maximum period provided for filing of OA is 1 year and 6 months.

For the reasons mentioned above the writ petition is disposed of.

(Rajesh Bindal, J.)

(Aniruddha Roy, J.)