

29.11.2021
Sl. No.95
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE
(Via Video Conference)

WPA 6587 of 2021

Jyotish Mondal & Anr.
Vs.
State of West Bengal & Ors.

Mr. Ekramul Bari,
Mr. Syed Mansur Ali,
Mr. Sk. Imtiaz Uddin

....for the petitioners.

Mr. Swapan Kumar Dutta, AGP,
Ms. Soumi Guha Thakurta

.....for the State.

The petitioners claim to be the retired Group – ‘D’ employees of West Bengal Human Rights Commission constituted under the provisions of Section 21 of the Protection of Human Rights Act, 1993. The petitioners say that under the provisions of Rule 3(2) of West Bengal Human Rights Commission (Appointment, Salaries, Allowances and Conditions of Service of Administrative, Technical and Scientific Officers and Staff) Rules, 1997 (hereinafter referred to as “1997 Rules”), the terms and conditions of appointment of administrative officers and staff of the said Commission and their pay and allowances shall be equivalent to those of the similarly placed officers and staff of the State Government. The petitioners further say that a policy decision by the State Government has been taken in 1997 by

promulgating a rule on the issue and benefit of General Provident Fund Rules to West Bengal Human Rights Commission (in short WBHRC) employees has been taken, as will appear from a letter dated 26th August, 2015 written by the then Home Secretary, Government of West Bengal to the Principal Secretary to the Government of West Bengal, Finance Department (appearing at page 34 of the writ petition). In fact, referring to such letter, the petitioners say that General Provident Fund (in short GPF) matters have been regularised and is being maintained by the Principal Accountant General, West Bengal, but so far as other benefits are concerned, no decision has been taken. The petitioners say that petitioner no.2 has made several representations, which respectively appears in pages 37, 38 and 39 of the writ petition, but no decision has been taken till date.

Considering the materials on record and after hearing parties, I think that the Principal Secretary to the Government of West Bengal, Finance Department should consider the matter from all aspects and decide on the issues by passing a reasoned order in the light of the letter dated 26th August, 2015 written by the then Home Secretary, Government of West Bengal to the Principal Secretary to the Government of West Bengal, Finance Department. The decision

along with reasoned order shall be passed within a period of eight weeks from the date of communication of a copy of this order downloaded from the official website of this Court to the said Principal Secretary, Finance Department. The Principal Secretary, Finance Department shall be free to decide the matter independently without being influenced in any manner by any observation in this order or statement made in the writ petition. The Principal Secretary, Finance Department may give a hearing to the petitioners and others whose presence may be felt necessary by him on the issues canvassed by the petitioners following the prevalent COVID – 19 protocol. The reasoned order shall be communicated to the petitioners within a period of fortnight from the date of passing of such order.

Nothing further remains to be adjudicated in this writ petition. The same is disposed of without any order as to costs.

Since I have not called for any affidavits, allegations made in the writ petition are deemed to have not been admitted by the respondents.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of necessary formalities.

(Arindam Mukherjee, J.)