

17th August, 2021
(D/L 24)
(SKB)

W.P.A. 12636 of 2021
(Via Video Conference)

Himanshu Chatterjee and others
Versus
The State of West Bengal and others

Mr. Tulsidas Ray,
Mr. Tirthankar Roy
... for the petitioners.

Ms. Manjula Chowdhury,
Ms. Tina Biswas
... for Howrah Zilla Parishad.

Mr. Anirban Roy, Id. G.P.,
Mr. Raja Saha,
Mr. Shamim ul Bari
... for the State.

Affidavit of service filed in Court today be kept with
the records.

The petitioners claim to be working as Pump
Operator/Valve Operator in different gram panchayats
under the State of West Bengal. According to the
petitioners, they were appointed by the Public Health
Engineering Department.

Records reveal that the Public Health Engineering
Department had handed over the responsibility of
running the water pumps and piped water system as per
the scheme to the Zilla Parishads. In turn the Zilla
Parishads permitted the Pradhans of different gram
panchayats to engage agencies to operate the pumps.
The petitioners who are persons working under such
agencies submit that they are entitled to the financial

benefits in accordance with the Memorandum No.1033-F(P2) dated 08.02.2019 and Memo No. 3998-F(P2) dated July 15, 2019 issued by the Additional Chief Secretary, Finance (Audit) Department, Government of West Bengal.

Mr. Saha, learned advocate appearing for the State respondents submits that the petitioners were not directly engaged by the Public Health Engineering Department. According to Mr. Saha, the memorandum dated July 15, 2021 has been restricted to only contractual/casual/piece-rated/daily rated workers who have been working in government offices government entities and government organizations for some time.

Thus, according to Mr. Saha, the petitioners having been engaged individually through the agencies who were given the jobs by the Zilla Parishad and the gram panchayat are not covered by the said memoranda.

After hearing the submissions made on behalf of both the parties, the instant writ petition is disposed of by granting leave to the petitioners to file independent separate representations annexing all documents in support of their claim.

If such representations are made, the same shall be considered by the Secretary, Public Health Engineering Department strictly in accordance with law, after giving an opportunity of hearing to all the necessary parties, at the earliest, but positively within a period of twelve weeks from the date of communication of a copy of this order.

The said respondent shall pass a reasoned order and communicate the same to all the parties immediately thereafter.

It is made clear that this Court has not entered into the merits of the claims of the petitioners and all points are left open to be decided by the aforesaid respondent at the time of consideration of the representation of the petitioners.

Accordingly, the writ petition is disposed of.

All parties are directed to act on the learned advocate's communication.

(Shampa Sarkar, J.)