

25th November, 2021
(D/L No.27)
(SKB)

W.P.A. 12755 of 2021
(Via Video Conference)

Dr. Subhash Chandra Nandi
Versus
The State of West Bengal & Ors.

Mrs. Panpa Dey Dhabal
... for the petitioner.

Mr. Partha Sarathi Bhattacharya,
Mr. Lutful Haque,
Mr. Golam Karim Chowdhury
... for respondent no.7.

On the last occasion the concerned College was directed to come up with instructions as to whether any payment has been made to the petitioner.

Today a report has been filed by the College enclosing a notice by the Chairperson of the College referring to a decision of the Governing Body of the Institution with regard to payment of salary of the teaching and non-teaching staffs of the Institution. The decision dated 17th May, 2021 containing a resolution shows that the Institution would take a decision on all staffs who were not regularly attending classes or not performing their duties. The said report filed in court today is taken on record.

The grievance of the petitioner is that the letter of termination dated 5th June, 2020 does not refer to any decision of the Governing Body and that a further letter issued to the petitioner on 31st July, 2020 also does not

refer to the decision of the Governing Body. Counsel submits that the petitioner was not informed of any decision taken by the Governing Body with regard to the matters contained in the resolution.

Upon hearing learned counsel, it is evident that the petitioner has admittedly been paid his salary for one month. The petitioner demands salary for three additional months. Since there are allegations to the petitioner not attending classes regularly, the respondent no.7 being the Chairperson of the concerned College is directed to consider the admissible dues of the petitioner for the remaining months and pay the same within four weeks from the date of communication of this order. Since the relevant documents show that the College is going through financial distress, the College shall make an endeavour to pay the petitioner at a rate which is acceptable to both the parties.

W.P.A. 12755 of 2021 is disposed of in terms of the above.

Urgent photostat certified copy of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Moushumi Bhattacharya, J.)