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05.10.2021.
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

**W.P.A. 15710 of 2021
(Via Video Conference)**

**Biswajit Saha & Ors.
-versus-
State of West Bengal & Ors.**

**Mr. Prosenjit Mukherjee.
...For the Petitioners.**

**Mr. Susovan Sengupta,
Ms. Supriya Debey.
...For the State.**

It appears from the record that the petitioners have made a prayer before the Block Development Officer in January 2020 for renewal of their contract as Carrying-cum-Distribution Agent of Mid Day Meal for the financial year 2020-2021 at the rate which was prevailing in the year 2019.

According to the petitioners, the Government of India, Ministry of Human Resource Development by a memorandum dated 14th March, 2019 enhanced transportation cost from Rs.75/- per quintal to Rs.150/- per quintal and the enhanced rate was effective from 1st April, 2019.

According to the petitioners, the period during which they pray for enhanced transportation cost is from 21st April, 2020 to 31st March, 2021.

According to the petitioners, the respondent authorities ought to reimburse them as per the Central Government memorandum dated 14th March, 2019.

The prayer of the petitioners stood rejected by an order dated 6th September, 2021 passed by the Additional District Magistrate (G), Murshidabad. The impugned order of rejection speaks about the period January 2019 till 31st December, 2019. The period claimed for by the petitioners for reimbursement is 21st April, 2020 to 31st March, 2021.

The learned advocate appearing for the State respondents submits that the petitioners do not have any right to be engaged as Carrying-cum-Distribution Agent.

It has further been submitted that they will be bound by the undertaking filed before the respondent authorities prior to extension of their contract period.

As the issue of extension of contract is not to be decided in the instant writ petition, accordingly, the submission of the State respondents that the period of contract of the petitioners ought not to be renewed is not relevant herein.

The petitioners have already performed their part of the duty for the period 21st April, 2020 to 31st March, 2021 and they are entitled to be remunerated as per the applicable rates. The rate has been fixed by the Central Government and the same is effective from 1st April, 2019.

The impugned order did not take into consideration the period for which the petitioners claim the enhanced rate of remuneration.

In view of the above, the impugned order dated 6th September, 2021 is set aside.

The matter is remanded back to the concerned authority for taking a decision afresh with regard to the prayer of the petitioners for enhanced remuneration for the period 21st April, 2020 to 31st March, 2021.

The concerned respondent shall pass a reasoned order within a period of eight weeks from the date of communication of a copy of this order and shall communicate the same to the petitioners immediately thereafter.

It is made clear that this Court is not deciding the rate according to which the petitioners are liable to be paid and the concerned respondent shall verify the records and the relevant circulars issued by the Central as well as State Government for the purpose of taking a decision in this matter.

The writ petition stands disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)