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22.06.2022
Ct. No.10
b.das

WPA 3179 of 2022

Prasanta Mukherjee & Ors.
Vs.
Food Corporation of India & Ors.

Mr. Samiran Mandal
Mr. Abhinaba Dan
Mr. N. Samanta ...for the petitioners.

Mr. Kamal Kr. Chattopadhyay ...for the F.C.I.

Exception filed by the petitioners to the report in the form of affidavit submitted by the respondents is taken on record.

Heard learned counsels for the parties.

The petitioners claim to have worked with the Corporation on 1st April, 2021 and have claimed wages for the said date.

Per contra, it is submitted on behalf of the respondents that the relevant depot was closed on 1st April, 2021 due to the 2nd phase of West Bengal Assembly Election, 2021, which was conducted on the said date and one of the polling booths was located near the depot in question.

The petitioners have drawn the attention of the Court to an attendance sheet of the Corporation signed by the

Manager of the depot which demonstrates presence of all the petitioners at the depot on the relevant date.

The respondents seek to explain that such attendance was recorded mistakenly and documents relied on by the Corporation in their affidavit would reveal that there was no work done in the depot on the relevant date. None of the petitioners were present at the depot on that date.

Several representations submitted by the petitioners in this regard were not heeded to by the employer and a demand notice issued to the Corporation on behalf of the petitioners on 7th September, 2021 has been disposed of by the authority which intimated to learned counsel for the petitioners by a notice dated 25th January 2022 that the employer was unable to release the wages of the petitioners for one day, that is, on 1st April, 2021 as the office was fully closed on that date due to assembly elections.

Learned counsel appearing for the petitioners submits that this notice was not communicated to the petitioners by the employer.

It is submitted on behalf of the petitioners that on the relevant date, the attendance of the petitioners was accepted by the shed in charge, Pijush Kanti Ghosh, Baishali Biswas and Amit Kumar Deo who were entrusted for spraying of food grains in the depot.

The petitioners seek to submit a comprehensive representation before the concerned authority annexing all

relevant documents in support of their contention and pray for a direction upon the authority to consider their representation at the earliest.

In view of the same, the writ petition is disposed of with liberty to the petitioners to submit a comprehensive representation before the 3rd respondent within a fortnight from date. The 3rd respondent is directed to consider and dispose of the representation within one month from the date of receipt thereof after affording reasonable opportunity of hearing to the concerned persons including the petitioners or their authorised representatives, in accordance with law.

The decision taken by the authority shall be communicated to the petitioners or their authorised representatives within a week thereof.

With the above observations and directions, the writ petition being WPA 3179 of 2022 is disposed of.

However, there shall be no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to be admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)