

27.
8.04.2022
S.D.

W.P.A. 4204 of 2022

Sultana Swanirbhar Gosthi & Ors.

Vs.

The State of West Bengal & Ors.

Mr. Saptarshee Kumar Kundu

Mr. Raju Das

... For the Petitioners.

Sk. Md. Galib

Ms. Subhra Nag

...For the State.

From the order dated 12.11.2021 it appears that the Sub-Divisional Officer, Diamond Harbour, South 24-Parganas considered the prayer of the petitioners upon giving notice of hearing to all the concerned parties.

The Sub-Divisional Officer was of the opinion that the service of the petitioner be terminated and the self-help group was directed to stop operation on and from 15.11.2021. It was mentioned that the dues and outstanding till 12.11.2021 will be paid by the Block Development Officer, Mathurapur-I Development Block subject to availability of funds.

It has been submitted by the learned advocate representing the petitioners that during the pendency of the writ petition, a sum of Rs.2,65,000/- only has been disbursed in favour of the

petitioners and a sum of Rs.3,28,000/- only is still due and payable.

Learned advocate for the petitioner submits that the Sub-Divisional Officer failed to appreciate that the petitioners could not serve the hostel as the same was closed in view of the Covid restrictions imposed by the State. As the hostel was closed, the petitioners did not have any opportunity to provide services.

The petitioners through their learned advocate filed a representation before the Sub-Divisional Officer on 29.11.2021 praying for reviewing the order dated 12.11.2021. The petitioners allege that the said representation has not been considered till date.

Learned advocates representing the State respondents submit, upon instructions that, all dues of the petitioners have been cleared. It has further been submitted that excess payment has been made to the petitioners and nothing is due and payable to the petitioners as on date.

The written instruction which has been submitted by B.D.O on 29.03.2022 mentions that payment was made to the petitioners lastly for the period 2021-22 for six months.

It appears from the documents annexed to the writ petition and particularly the order dated 12.11.2021 that the Sub-Divisional Officer directed payment of dues and outstanding

subject to availability of funds. The B.D.O. shall strictly carry out the order passed by the S.D.O. and clear all payment in favour of the petitioners immediately after availability of funds from the M.A. & M.E. Department.

The S.D.O. is directed to consider the representation filed on behalf of the petitioners on 29.11.2021 after giving the petitioners an opportunity of hearing and dispose of the same strictly in accordance with the relevant rules at the earliest, but positively within a period of twelve weeks from the date of communication of this order. The S.D.O. shall pass a reasoned order and communicate the same to the petitioners immediately thereafter.

The S.D.O. is also directed to ensure that all dues of the petitioners are cleared at the earliest.

The writ petition stands disposed of.

Instructions given by the B.D.O. on 29.3.2022 be retained with the records.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)