

M/L 128
08.07.2022
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Ct23

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 7669 of 2021

Biswanath Bose & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Sakti Pada Jana,
Mr. Subhajyoti Das
... For the petitioners.

Mr. Jahar Lal De,
Mr. Jayak Gupta
... For the State.

The petitioners have paid the deficit Court fees
vide filing no. A-11903 dated 4th July, 2022.

On a perusal of the writ petition I find that the
petitioners have worked in an Integrated Child
Development Service(in short, ICDS) project operated by
Ramakrishan Mission Ashrama, Narendrapur. The
petitioners are claiming pension and gratuity for having
rendered the services. The petitioners have been
disengaged after having attaining the age of
superannuation. The petitioners are claiming pension
and gratuity from the Government of West Bengal by
treating them at par with State Government employees
as they have worked in a State funded scheme enjoying
the benefits of Revision of Pay and Allowances (ROPA).

On behalf of the State, it is submitted that the
petitioners are not government employees. None of them

can be equated with the State Government employees for granting pension and gratuity even though they were given ROPA benefits. They were engaged by Ramakrishna Mission Ashrama, Narendrapur and were to continue till the project by Government of India, Ministry of Human Resource Development, Department of Women & child Development was in continuance. It further submitted that the project is a Central Government project and funding is also done by the Central Government.

After hearing the submissions of the parties, if think justice will be sub-served if I direct the Joint Secretary, Women and Child Development & Social Welfare Department, Government of West Bengal, being the respondent no.2 to dispose of the representation made by the petitioners on 30th September, 2020, appearing at page 53 of the writ petition within four months from the date of communication of a server copy of this order by a reasoned order after affording the petitioners an opportunity of hearing. The respondent no.2 shall be free to decide on all the issues raised without being influenced in any manner by the instant order. I also make it clear that I have not gone into the merits of the matter.

The reasoned order that may be passed shall be communicated to the petitioners within a fortnight from

the date of passing of the same.

All parties, including the respondent no. 2 shall act on the basis of the server copy of this order without insisting upon production of certified copy thereof.

Although, the respondent no.2 is represented by an advocate but for abundant caution, the petitioners shall serve a copy of this order along with a copy of the writ petition which contains the representation dated 30th September, 2020 within a period of 10 days from date.

Nothing further remains to be adjudicated in this writ petition. The same is disposed of accordingly without any order as to costs.

Since I have not called for any affidavits, allegation made in the writ petition are deemed to have not been admitted by the respondents.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of necessary formalities.

(Arindam Mukherjee, J.)