

S/L. 22
22.06.2022
Subha

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 7990 of 2022

Md. Aftab Alam
-versus-
The State of West Bengal & Ors.

Mr. Udaynarayan Betal,
Mr. Mriganka Patra

...for the petitioner.

Mr. Pinaki Dhole
Mr. Avishek Prasad

...for the State.

Mr. Biswajit De
Ms. Rajlakshmi Ghatak

...for the respondent nos. 2 to 5.

The West Bengal State Agricultural Marketing Board approved career advancement benefits under Career Advancement Scheme (in short, CAS) to be given to the petitioner by a memo dated 18th December, 2020.

The Murshidabad Zila Regulated Market Committee (in short, RMC) approved such decision in its meeting held on 2nd February, 2021. The petitioner who is an employee of Murshidabad Zila Regulated Market Committee says that he has not been given the benefit of CAS.

On behalf the respondents a statement of fact signed by the Secretary, Murshidabad Zila Regulated Committee on 16th June, 2022 is made over to court

by the respondents and the same is retained with the record.

After perusing the statement of facts, I find “the consideration of CAS benefit is under active consideration, the same will be released as soon as the guideline is received from the Board”.

The only embargo as appears from the submission of the respondents is non-availability of fund. It is also submitted that no payments can be made to the petitioner unless funds are allotted to Murshidabad Zilla Regulated Market Committee since it has a paltry independent source of income. The paucity of fund cannot be an obstacle in giving CAS benefit to the petitioner once the petitioner has been found eligible and it has been approved.

After hearing the parties and considering the materials on record, I direct the respondents to pass on the petitioner the benefits under CAS by making actual payment within a period of five months from date failing which interest will be attracted on the money due at the rate of 8% per annum.

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, allegations 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.)