

22.03.2022
Sl. No. 28
ss

W.P.A. 13131 of 2021

Debabrata Giri & ors.

Vs.

The State of West Bengal & ors.

Mr. Monoranjan Jana

Ms. Mitali Jana

... for the petitioners

Ms. Saheli Mukherjee

... for the State

Repeated adjournments have been granted to the State respondents in this matter.

The petitioners seek implementation of the order passed by the Hon'ble Division Bench of this Court in M.A.T. No.1100 of 2014.

The State respondents have not been able to produce any documents before this Court to show that the order passed by the Hon'ble Division Bench in M.A.T. No.1100 of 2014 was either stayed or set aside by the Hon'ble Apex Court or in review by this Court.

In an earlier round of litigation, this Court had directed that the District Magistrate, Purba Medinipur shall enquire into the allegation of non-payment of the dues of the petitioners as directed by an order passed by the Division Bench of this Court. The respondent authorities were directed to pay the arrears to the petitioners within three months from the date of disposal of the appeal.

Such direction was not obeyed and the petitioners were constrained to file the writ petition bearing W.P. No.2623(W) of 2018. The writ petition bearing W.P. No.2623(W) of 2018 was disposed of by this Court with the following orders :-

“Under such circumstances, this writ petition stands disposed of with a direction upon the District Magistrate, Purba Medinipur & Executive Vice-President, Zilla Shaksharata-O-Rog Pratishedh Samity, Purba Medinipur, the respondent No.2 herein, to enquire into the allegation of the petitioners regarding non-payment despite there being an order of the Hon’ble Division Bench of this Court. While making such enquiry, the respondent No.2 will hear the contention of the concerned Block Development Officer and also consider the past documents and records, on the basis of which, the Hon’ble Division Bench of this Court passed the order. The District Magistrate, as aforesaid, will consider the order of the said Hon’ble Division Bench, which appears to have settled the dispute finally and after hearing all the parties and after making an enquiry, as aforesaid, upon prior notices to all the parties, he will pass a reasoned order and the same will be communicated to all concerned thereafter.

The entire exercise should be completed within a period of eight weeks from the date of communication of this order.”

This writ petition has been filed alleging non-compliance of the order of the Hon’ble Division Bench as also the order of this Court. The petitioners were engaged in ICJCK Kendras and the Hon’ble Division Bench has recorded that it was an admitted position that the services of the petitioners were utilised by the authorities.

Under such circumstances, this writ petition is disposed of with a direction upon the respondents to pay all the dues of the petitioners, if payable, in terms of the order of the Hon'ble Division Bench of this Court passed in M.A.T. No.1100 of 2014 dated September 4, 2014, upon making an enquiry into the allegation of non-payment as already directed by this Court in the order dated February 21, 2019 passed in W.P.2623(W) of 2018, which is quoted hereinabove, within a period of four months from the date of communication of this order, unless the said order is otherwise reviewed or set aside by the appropriate Bench.

All parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)