

S/L 16
25.01.2022
Court No.19
SD

WPA 15841 of 2021
(Via Video Conference)

Tatari Pragatibadi Mahila Samity & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Satyaranjan Kundu

...for the Petitioners.

Mr. Raja Saha
Mr. Supratim Dhar

...for the State.

The petitioners have made a representation before the Chief Medical Officer of Health, Purulia claiming retrospective enhancement of the rate fixed by the authorities for supply of cooked full rice diet to the hospitals to Rs.55.35 on the basis of an Office Order dated November 10, 2014 issued by the Department of Health and Family Welfare, M.S. Branch, Swasthya Bhawa. The petitioners claim the differential amount over and above the payment made to them.

According to the petitioners, such revised rate should have been paid to the petitioners on and from November 2014.

Mr. Raja Saha, learned Advocate appearing for the State-respondent, submits that the benefit of the Circular/Office Order was not applicable to the petitioners as the petitioners has already started to supply from 2012. The petitioners, being the successful bidders had been selected to supply cooked diet on and from August 1, 2012 at the prevailing rate. He refers to the clause (a) of Part 1 of the

said Notification/Circular dated November 10, 2014 in order to show that revised rate was made effective with the commencement of the work by the successful bidder as per e-tender in terms of Government Order for supply of cooked diet for indoor patients and was valid upon March 31, 2017.

According to Mr. Saha, the petitioners were already supplying at the rate fixed earlier and as per their bid, thus there was no scope for payment of the differential over and above the amount already paid to the petitioners. The contract of the petitioner had already come to an end.

Having considered the rival contentions of the parties, this Court does not express any opinion with regard to the entitlement of the petitioners. This writ petition is disposed of with a direction upon the Block Medical Officer, Pancha Block, being the respondent no.6 to dispose of the representation of the petitioners dated January 6, 2021 upon granting an opportunity of hearing to the petitioners and all other interested parties.

The authority concerned shall consider the prayers of the petitioners and pass a reasoned order which shall be communicated to all concerned.

The entire process shall be completed within a period of six months from the date of communication of this order.

There will be no order as to costs.

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

(Shampa Sarkar, J.)