

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

24.08.2022
Item No. 10
Court No.23
(Suvendu)

WPA 16952 of 2021

Samir Mahata & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Lal Ratan Mandal
Mr. Dilip Kumar Sadhu
.....for the petitioners

Ms. Swapan Kumar Datta, AGP,
Mr. Rajat Datta
.....for the State

Mr. Prithu Dudhuria
.....for the Union of India

The inter se dispute between the State Government and the Central Government continues in connection with the tenure and implementation of the training programme under which the petitioners got themselves trained. The fact remains that the Government of West Bengal has admitted that the petitioners are entitled to receive stipend for the unpaid period out of the six months training performed by the petitioners the aggregate amount of which is Rs. 8,07,824/-. The State Government, at the same time, says that the training programme under which the petitioners performed their training

was a Central Government project which was fully funded by the Ministry of Labour and Employment, Government of India through the Director General of Employment and Training. According to the learned advocate for the State, The Technical Education Training and Skill Development Department, Government of West Bengal was only the implementing and disbursing authority.

The Central Government, on the other hand, says that the State Government was specifically informed that the training programme should be of three months and not of six months and therefor, the entire amount of three month's stipend has been paid by the concerned Ministry of the Central Government to the State Government. The Central Government therefor, owes no money to the State Government for paying the stipend to the petitioners.

The impasse created by the allegation and the counter-allegation from the side of the State Government and the Central Government has only effected some of the petitioners who have not received their full stipend. This stalemate condition cannot be permitted to continue for time immemorial.

In the aforesaid facts and circumstances, I direct the Technical Education Training and Skill Development Department, Directorate of Industrial Training, Government of West Bengal to pay the unpaid stipends to the petitioners at the first instance. The payment has to be made by 23rd September, 2022.

The State Government, however, will be entitled to take up the matter regarding payment of stipends to some of the petitioners with the appropriate department of the Central Government for reimbursement of the same amounting to Rs. 8,07,824/- if entitled to in law.

Nothing further remains to be adjudicated in the writ petition and the same is disposed of accordingly.

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

(Arindam Mukherjee, J.)