

Item No. 2

17.06.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 17184 of 2019
Jayanta Kumar Panda & Anr.
v.
The State of West Bengal & Ors.

Mr. Manaranjan Jana
Ms. Mitali Jana
... for the petitioners.

Mr. Pinaki Dhole
Ms. Ananya Neogi
... for the State.

Mr. Uttam Kumar Bhattacharya
... for Zilla Parishad.

The petitioners pray for implementation of the direction passed by the Hon'ble Division Bench of this Court in MAT 1100 of 2014 along with CAN 6570 of 2014 (Jayanta Kumar Panda & Ors. v. The State of West Bengal & Ors.).

As the order passed by the Hon'ble Division Bench was not complied, the petitioners filed an earlier writ petition being WP No. 2623(W) of 2018 which stood disposed of by this Court on February 21, 2019 with a direction upon the District Magistrate, Purba Medidnipur & Executive Vice-President, Zilla Shaksharata-O-Rog Pratishedh Samity, Purba Medinipur, the respondent no. 2 to enquire into the allegation of the petitioners regarding non-payment despite order of the Hon'ble Division Bench. The District Magistrate was

directed to consider the order of the Hon'ble Division Bench and pass a reasoned order.

In compliance of the direction passed by the Court a reasoned order has been passed which is impugned in the present writ petition.

The reasoned order mentions that in view of the order passed by the Hon'ble Supreme Court directing the State of West Bengal to place the fact before the Hon'ble High Court to enable the High Court to reconsider the matter and in view of the pendency of the review petition being RVW No. 256 of 2015 the matter has been kept in abeyance at present until final disposal of the review petition.

The Court on the last occasion directed the parties to take information with regard to the status of the review petition filed by the State in the year 2015. Today it has been mentioned that apart from filing the review petition no further steps have been taken to get the matter heard.

From the conduct of the State respondents it appears that the State is merely trying to delay and drag the matter by filing the review petition and thereafter not following the same in the right earnest.

Order was passed by the Hon'ble Division Bench in favour of the petitioners way back on September 4, 2014 by directing the respondent authorities to pay all the arrears to the appellants within three months from date. The Court observed that non-availability of funds

cannot be a reason to deny such payment to the appellants when the project is still an on-going project.

It has been submitted by the learned advocate for the petitioners that the project is still going on but the arrears of the petitioners have not been cleared till date.

After hearing the submissions made on behalf of the parties, the Court is of the opinion that the respondent authorities are duty bound to clear off the dues of the petitioners. Mere filing of an application for review way back in 2015 cannot come to the aid of the respondent authorities to deny payment to the petitioners despite orders passed by the Court.

Accordingly, the writ petition is disposed of by directing the respondent no. 2 being the District Magistrate, Purba Medinipur & Executive Vice-President, Zilla Shaksharata-O-Rog Pratishedh Samity, Purba Medinipur to immediately take steps in compliance of the order passed by the Court on September 4, 2014.

The respondent no. 2 shall ensure that the direction passed by the Hon'ble Division Bench is complied with at the earliest but positively within a period of eight weeks from the date of communication of a copy of this order.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.