

ML- 03.08.2022
280 Ct.15
rkd

W.P.A. 21815 of 2019

Badal Das

-vs-

The State of West Bengal & Ors.

Mr. Lakshiminath Bhattacharya

....for the petitioner.

Mr. Somnath Naskar

....for the State.

Petitioner was engaged on contract basis as Computer Assistant in Block Development Office of Kulpi South 24 Parganas by the District Magistrate and District Programme Coordinator, South 24 Parganas vide order dated 31st March, 2008. At the time of engagement of the petitioner his consolidated monthly remuneration was Rs.6834/- and subsequently the same has been enhanced to Rs.11,990/-. Thereafter Additional Chief Secretary, Panchayat and Rural Development Department vide order dated 9th March, 2019 enhanced the remuneration of the Computer Assistant working under MGNREGA Scheme from Rs. 11,990/- to Rs.16,000/-.

Mr. Bhattacharya, learned advocate representing the petitioner has drawn attention of this Court to two letters dated 14th March, 2019 and 20th March, 2019 issued from the District Authorities of Purba Bardhaman and Hooghly

under MGNREGA Scheme seeking clarification whether after enhancement of monthly remuneration of the persons engaged under the said scheme vide order dated 9th March, 2019 the incremental benefits would be added to such enhanced remuneration or not.

It has been submitted on behalf of the petitioner that though from the authorities of South 24 Parganas District perhaps no such letter has been sent to the Commissioner, MGNREGA seeking such clarification but the same is required for proper appreciation of the entitlement of the petitioner to receive incremental benefits in addition to the enhanced remuneration which has been fixed in his favour. It has also been submitted that till date the Commissioner, MGNREGA has not forwarded any clarification with regard to inclusion of incremental benefits in addition to enhanced remuneration.

Vide order dated 25th March, 2022 time was extended on the prayer of the learned advocate representing the State respondents to file affidavit-in-opposition but till date no such affidavit has been filed. However, State respondents are represented by Mr. Naskar, learned advocate.

Having considered the submissions made

on behalf of the petitioner, this Court grants leave to the petitioner to make representation to the Commissioner, MGNREGA being the respondent no.3 within fortnight from this date on the aforesaid issue relating to grant of incremental benefits. If such representation is made by the petitioner within the aforesaid time, the respondent no.3 in its turn shall take decision within a period of eight weeks from the receipt of such representation and pass a reasoned order and the same shall be communicated to the petitioner within one week thereafter.

With the above direction the writ petition stand disposed of.

However, There shall be no order as to costs.

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

(Saugata Bhattacharyya, J.)