

19.12.2022
Sl. No.5(DL)
srm

W.P.A. No. 26896 of 2022

Manjura Bibi Sardar

Versus

The State of West Bengal & Ors.

Mr. Basudeb Bag,
Mr. Mukteswar Maity,
Mr. Soumen Pradhan,
Mr. Sarthak Dey

....for the Petitioner.

Mr. Ansar Mondal,
Mr. Suprabhat Bhattacharya

...for the State-respondents.

Affidavit-of-service is taken on record. Despite service, none appears on behalf of the respondent No.6.

The writ petition is misconceived.

The petitioner alleges that she was engaged as a valve operator in a pumping station at Molla Hati Water Supply Scheme. The petitioner prays that the newly engaged person should be replaced and the petitioner must be recommended for engagement once again.

The petitioner's identity card, which is annexure P-2 at page 14 to the writ petition, was issued by the Mondal Enterprise, which was the agency involved in the scheme. Just because the identity card was countersigned by the Assistant Engineer, Eastern Mechanical Sub-Division-I,

Public Health Engineering Directorate, the same does not entitle the petitioner to ask for payment from the regular establishment. She was engaged by the agency involved in the implementation of the scheme.

Subsequently, the petitioner was disengaged and her remuneration was stopped. Aggrieved, the petitioner approached the Executive Engineer, North 24-Parganas, Public Health Engineering Directorate, Water Supply Division, requesting the authority to interfere in the matter. She alleged that she was not paid her remuneration for one month and the contractor under whom she was working, refused to pay her. She was allegedly asked by the contractor to approach the authorities. The petitioner alleges that near relatives of the Pradhan of Ganganandapur Gram Panchayat was engaged by replacing the petitioner.

The petitioner was engaged through a contractor. Mondal Enterprise was the petitioner's employer. Mondal Enterprise was recognised by the department as the agency for implementation of the scheme. If the employer disengaged the petitioner or refused to pay the remuneration, the Public Health Engineering Directorate cannot be blamed. The said Directorate is not responsible to pay the remuneration of the petitioner.

Although it is the contention of the petitioner that a portion of the land in which the scheme was sought to be implemented had been donated by the petitioner's family, yet this Court does not find any reason to issue a writ of mandamus as the State authorities have neither violated the norms nor infringed the right of the petitioner. The dispute is between the contractor and the petitioner.

Thus, nothing remains to be decided in the writ petition. The writ petition is disposed of without any orders.

There shall be no order as to costs.

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

(Shampa Sarkar, J.)