

29-11-2022
Item No.14-15
Subrata
Bhattacharyya

IN THE HIGH COURT AT CALCUTTA
Constitutional writ Jurisdiction
Appellate Side

RVW No.233 of 2017
The District Project Officer, Sarba Siksha Mission, Nadia
-vs-
Arindam Ghosh
with
CAN No.1 of 2017
(Old CAN No.9675 of 2017)
with
WPA No.19561 of 2018
Arindam Ghosh
-vs-
State of West Bengal & Ors.

Mr. Sayan De	
Mr. Kaustuv Shome	...for the reviewer/ respondent no.3 in WPA No.19561/2018
Mr. Sankar Halder	... for opposite party no.1/ petitioner in WPA

This review application has been preferred by the District Project Officer, Sarva Siksha Mission, Nadia, the third respondent in the writ petition, seeking review of an order dated April 19, 2017 passed by a single Bench of this court in WP. No.26051(W) of 2016 (Arindam Ghosh v. State of West Bengal & Ors.).

In the review application, the applicant seeks modification of the said order that the period as mentioned in the order in terms of prayer (b) of the writ petition should be modified to the extent that the period would be from October 18, 2009 till December 31, 2011.

Learned counsel for the reviewer submits that as per the official records, the period should be from October 18,

2009 to December 31, 2011.

On the other hand, learned counsel for the first opposite party, the writ petitioner, submits that in terms of an order dated February 6, 2012 passed in WP No.9945(W) of 2011, the period during which the honorarium of the writ petitioner remained unpaid was from October 18, 2009 to March 6, 2012.

However, it is evident from a letter dated September 8, 2016 issued by the Headmaster, Shibnibash Sri Sri Mohananda High School (H.S.), Nadia addressed to the District Project Officer/SSM/Nadia that the school authority had admitted that the honorarium which was to be paid to the writ petitioner was for the period from October 1, 2009 to March 6, 2012.

Having heard learned counsels for both the parties and on consideration of the materials on record, I think that the order dated April 19, 2017 passed in WP No.26051(W) of 2016 requires modification.

Accordingly, the review application is allowed by the following order.

The order dated April 19, 2017 is modified to this extent that the period during which the honorarium of the writ petitioner, Arindam Ghosh, remained unpaid, is from October 1, 2009 up to March 6, 2012.

In view of the above, **RVW No.233 of 2017** with **CAN No.1 2017** stand disposed of. No order as to costs.

WPA No.19561 of 2018 is a writ petition filed for releasing the admissible arrear honorarium for the period from October 1, 2009 to March 6, 2012.

The writ petitioner was appointed as an additional para-teacher in upper primary school at Shibnibash Sri Sri Mohananda High School (H.S.), Nadia with effect from July 31, 2004. His appointment was renewed from time to time. The petitioner alleges that no honorarium was paid to him by the concerned respondent authority for the period from October 1, 2009 (not January 9, 2009 as stated in the writ petition) to March 6, 2012.

Admittedly, a single Bench of this court by an order dated February 6, 2012 passed in WP No.9945(W) of 2011 directed that the honorarium of the petitioner remained unpaid for the period from October 18, 2009 to March 6, 2012. However, the school authority, on consideration of the relevant Government Order, vide letter dated September 8, 2016 addressed to the District Project Officer/SSM/Nadia, stated that the honorarium which remained unpaid to the petitioner was from the period from October 1, 2009 till March 6, 2012. Accordingly, the school authority requested him to grant the petitioner's arrear honorarium for the aforesaid period.

I am of the view that the proposal made by the school authority to the District Project Officer is justified.

In view of the above, the writ petition is disposed of by the following order.

The District Project Officer, Sarva Siksha Mission, Nadia, the third respondent herein, is directed to pay the arrear honorarium to the petitioner for the period from October 1, 2009 till March 6, 2012, within a period of four weeks from the date of communication of this order.

However, it is made clear that, out of the arrear amount of honorarium, any amount has already been paid

to the petitioner, such amount will be adjusted accordingly.

WPA No.19561 of 2018 is thus disposed of without any order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this court.

Certified copy of this order, if applied for, shall be made available to the parties.

[Rabindranath Samanta, J]