

21.3. 2022
Court No. 19
Item no.11
sn

WPA 11600 of 2020

Nimai Pal & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Kalyan Kr. Chakraborty
Mr. Kashinath Bhattacharyya
Mr. Somenath Bhattacharjee
Mr. Benoy Brata Bhowmick
Ms. Anjana Mehaboob
Mr. Ashok Halderfor the petitioners

Mr. Anubrata Santra ..for the State

The petitioners were appointed on contractual basis some time in 2012 to the post of Block Facilitators, for implementation of the Positive Deviance Programme, in the District of Bankura. It was a Central Government Project. It is submitted that such contractual appointment was on a year-to-year basis and the petitioners continued to work, upon renewal of such contract. They have been working till date, it is submitted.

It is also submitted that the remunerations for the earlier period were regularly paid to the petitioners, but suddenly on and from 2019, the remuneration has not been paid to the petitioners, although the petitioners, have continued to discharge their duties.

The petitioners made a representation before the concerned authorities, but the authorities have not paid any heed to such requests. Hence, this writ petition.

Mr. Santra, learned advocate for the State respondents submits that the contract was on a year-to-year basis and there is nothing on record to show that the contracts have been renewed after 2018. He further submits that due to some financial crunch, the remunerations were not paid to the petitioners and as such without verifying whether the petitioners continued after 2018 or not and without further verifying whether any amount is due and payable to the petitioners, no order should be passed in this writ petition.

Heard the learned advocates for the respective parties.

The engagement of the petitioners by the respondents, is not in dispute.

The petitioners relied upon some documents to show that the engagements were renewed from time to time and their attendance in the office of the CDPO, Ranibandh ICDS Project, Bankura has been recorded.

The learned advocate for the State respondents however, disputes such contentions of the petitioners.

In view of the disputed questions of facts, this Court is not in a position to pass any mandatory orders. It appears that the petitioners have already approached the authorities by filing a demand of justice dated February 20, 2020, written by the learned advocate for the petitioners.

This Court is of the opinion that justice would be sub-served, if the respondent no.6, that is, the District Programme Officer(I.C.D.S.) Bankura is directed to dispose of the representation of the petitioners in accordance with law, upon granting an opportunity of hearing to the petitioners.

The petitioners' prayers for payment of the current and arrear remuneration and for continuing their engagement upto 60 years with regular increments, shall be disposed of accordingly upon granting an opportunity of hearing to the petitioners and any other interested persons. A reasoned order shall be passed and communicated to all concerned.

This order shall not be construed as an observation on the eligibility of the petitioners to be granted the reliefs, as prayed for. The authorities shall proceed in accordance with law.

The attendance sheet and renewal orders are taken on record.

The entire exercise shall be completed within a period of four months from the date of communication of this order.

Accordingly, the writ petition is disposed of.

There will be however no order as to costs.

All parties are directed to act on the basis of server copy of this order and/or the learned advocate's communication.

(Shampa Sarkar, J.)