

11.01.2023

**FMA 329 of 2022
With
CAN 2 of 2022**

**Bidhan Chandra Krishi Viswa-vidyalaya & Ors.
-Vs-
Dr. Pranab Kumar Bandopadhyay & Anr.**

Mr. Suman De

... for the Appellants

Mr. Ranajit Chatterjee
Mr. Aniruddha Mitra

... for the Private Respondent

Mr. Jahar Lal De
Mr. Shamim-ul-Bari

... for the State-respondents

Party/Parties is/are represented in the order of their
name/names as printed above in the cause title.

The facts pertaining to this appeal are fairly
admitted.

The appellant is the Bidhan Chandra Krishi
Viswa-Vidyalaya (for short, BCKV).

The writ petitioner/the respondent was in service
with the appellant/BCKV as a Professor and, upon his
retirement, he was offered re-employment by the
appellant/BCKV which was extended from year to year
for a maximum period of five years.

The writ petitioner/respondent to this appeal
was paid his remuneration for the first, second and
fifth years of his re-employment.

The dispute in the writ petition and in this

appeal arises from the fact that the remuneration for the service rendered by the writ petitioner/the respondent to BCKV for the third and fourth years of his re-employment has not been paid.

The Hon'ble Single Bench had directed payment of remuneration to the writ petitioner in view of the actual service rendered by the writ petitioner to BCKV during the 3rd and 4th years of his re-employment.

The appellant/BCKV argues through Mr. Suman De, Learned Counsel, that payment of remuneration to the writ petitioner is contingent upon approval of his re-employment by the State Government.

It is submitted that the State-Government is yet to formalise the approval of the appointment of the writ petitioner for the said third and fourth years of his re-employment.

The stand of the appellant/BCKV is contested by the State-respondents represented by Mr. Jahar Lal De, Learned Additional Government Pleader with Mr. Bari, Learned Counsel, on the ground that the formalities connected to seeking approval of the writ petitioner for the third and fourth years of his re-employment have not been completed by the appellant/BCKV. In the absence of completion of the formalities in accordance with the prescribed procedure, the State Government has no obligation to release the fund in favour of BCKV towards the

remuneration of the writ petitioner.

The writ petitioner is represented by Mr. Chatterjee, Learned Counsel, who asserts that it is not in dispute that the services of the writ petitioner were utilised by the appellant/BCKV for the third and fourth years of his re-employment.

The completion of formalities between the appellant/BCKV and the State is *inter se* in nature and, at this stage after his services have been utilised as well as remunerated for the other 1st, 2nd and 5th years, cannot affect the accrued right of the writ petitioner of pay against work.

Having considered the rival submissions of the parties and the materials placed, this Court accepts the view taken by the Hon'ble Single Bench directing the payment of remuneration to the writ petitioner for the services actually rendered during the third and fourth years of his re-employment.

The reasoning and directions of the Hon'ble Single Bench therefore suffer from no infirmity.

FMA 329 of 2022 along with **CAN 2 of 2022** stand accordingly **dismissed**.

Since Affidavits are not invited, other allegations made are deemed not to have been admitted by the parties.

All parties to act on a server copy of this order duly obtained from the official website of the Hon'ble High Court,

Calcutta.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Supratim Bhattacharya, J.)

(Subrata Talukdar, J.)