

62.
03.8.2023
S.D.

W.P.A. 5834 of 2023

**Chandra Kumar Rana & Ors.
Vs.
The State of West Bengal & Ors.**

Mr. Sabyasachi Chatterjee
Mr. Sayan banerjee
Mr. Badrul Karim
Mr. Sandipan Das
Mr. Subhrajit Saha
Mr. Priyankar Paul
Ms. Indrani Roy
Mr. Dipankar Das

..For the Petitioner

Ms. Santi Das
Mr. R.D. Bhowmick

...for the Respondent Nos. 3 to 5

Mr. Manas Kumar Sadhu

...For the State

The petitioners are daily rated workers of the State Fisheries Development Corporation Limited (SFDCL). The grievance of the petitioners is that despite rendering service as daily rated workers, they have not been paid their wages since June 2022.

Mr. Chatterjee, learned counsel appearing on behalf of the petitioners submits that not only the petitioners should be paid their current arrears of wages since they are still engaged with the Corporation, the petitioners' job should also be protected due to perennial nature of work.

Ms. Das, learned counsel appears on behalf of SFDCL and submits that the petitioners are daily rated workers. Therefore, there is no question of protection of the job/duty that the petitioners are performing on daily basis. However, the SFDCL shall disburse the arrears of wages as and when financial condition of the Corporation improves.

Considering the rival submissions of the parties and the materials placed on record, this Court is of the view that the petitioners are working in five Fisheries Projects. The petitioner nos. 67 to 69 are working in UNDP Fisheries Project. They have received their wages till January 2023. The petitioner no. 1 to 43, 45, 47 to 66 and 70 are working at Alampur Fisheries Project and received their wages upto February 2023.

The petitioner nos. 73 to 76 are working at Bayenda Fisheries Project and received their wages till July 2022. Petitioner nos. 77 to 99, 81 to 85 are working at Narghat Fisheries Project and received their wages till July 2022. The petitioner no. 84 is not engaged since February 26, 2023. However, he received his wages till July 2022.

Considering the rival submissions of the Parties and materials placed on record, this Court is of the view that the petitioners cannot be made to suffer indefinitely by the

Corporation on the ground that there is no available finance with the Corporation, at present. It has also not appreciated the stand taken by the Corporation at paragraph 11 of the Report by SFDCL, affirmed on July 3, 2023. After utilizing the service of the petitioners, the Corporation cannot now take a stand that excess daily rated workers are deployed in several Projects. The Corporation has continued to engage them as daily rated workers on humanitarian ground. The Corporation's bald assertion that despite no justifiable work or task being allotted to the petitioners, they are still being engaged as daily rated workers cannot be justified on any score.

This Court directs the payments to be made to petitioner nos. 67 to 69 from February 2023 till the date of this order within three months from date. The petitioner nos. 1 to 43, 45, 47 to 66 and 70 shall be paid the daily wages from March 2023 till the date of this order, within three months from date. The petitioner nos. 73 to 76 will be paid the arrears of wages from August 2022 till the date of this order, within three months from date.

The petitioner nos. 77 to 79 and 81 to 85 excluding the petitioner no. 84 shall be paid their wages from August 2022 till the date of this order, within three months from date. The

petitioner no. 84 will be paid arrears of wages from August 2022 till February 26, 2023 within three months from date.

Since the petitioners are daily rated workers, their prayer for protection of their job cannot be considered by this Court. The petitioners are engaged on daily basis and such engagement is subject to the work that may be available at the Fisheries Projects.

With the directions aforesaid, **W.P.A. 5834 of 2023** is **disposed of**.

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

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all the formalities.

(Lapita Banerji, J.)