

29.03.2023
Sl. No.20(DL)
srm

W.P.A. No. 6044 of 2023
Subhas Majumdar & Ors.
Vs.
State of West Bengal & Ors.

Mr. Dilip Kumar Samanta,
Mr. Biswapriya Samanta,
Ms. Tithi Paul

....for the Petitioners.

Mr. Asish Guha,
Mr. Joyak Kumar Gupta

...for the State-respondents.

Mr. Subir Kumar Bhattacharjee

...for the West Bengal Comprehensive
Area Development Corporation.

Affidavit-of-service is taken on record.

The petitioners claim to be casual workers under the West Bengal Comprehensive Area Development Corporation (in short the Corporation). According to the petitioners, the enhanced remuneration had not been disbursed to them for a particular period by the Corporation. No reasons for withholding of the said benefits had also been assigned by the Corporation. The petitioners claim the arrears.

Mr. Gupta, learned Advocate for the State-respondents submits that unless the Corporation decides

the entitlement of the petitioners, the Panchayats and Rural Development Department would not have a role to play.

Mr. Bhattacharjee, learned Advocate for the Corporation submits that there may be some substance in the allegation made by the petitioners, but there are disputes with regard to the entitlement and the quantum payable to some of the petitioners. Unless such dispute is resolved on the basis of the records of the Corporation and the terms and conditions of engagement of the petitioners, no steps could be taken with regard to the payment. It is further submitted that the fund has to be released by the State of West Bengal through the Finance Department, upon recommendation of the Panchayats and Rural Development Department.

The fact that the Corporation is under the department of the Panchayats and Rural Development Corporation is not in dispute. However, the petitioners were engaged by the Corporation and their right to enhanced pay and arrears which have been claimed, has to be adjudicated by the Corporation.

Such claim of each of the petitioners should be decided by the Corporation first. Then such decision should be forwarded to the Panchayats and Rural Development Department for release of funds. The Finance

Department, Government of West Bengal shall release the funds on the recommendation of the panchayat department.

Under such circumstances, the writ petition is disposed of with a direction upon the Administrative Secretary of the Corporation being the respondent No.2 to treat the writ petition as the representation of the petitioners and dispose of the same, in accordance with law. The entitlement of each of the petitioners to enhanced pay and arrears shall be decided. A reasoned order shall be passed and communicated to the petitioners. The order shall also be communicated to the Panchayats and Rural Development Department. On the basis of the findings and the recommendation of the Administrative Secretary of the Corporation, the Panchayats and Rural Development Department shall ask for release of the funds from the Finance Department, Government of West Bengal. Once such funds are released, the same shall be disbursed to the petitioners whose claim had been found to be genuine and proper.

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

The Court has not gone into the merits of the claim of the petitioners and the issues raised shall be decided by the competent authority.

A copy of the writ petition along with a server copy of this order be served upon the respondent No.2 for necessary steps as per the direction of the Court.

The writ petition is, thus, disposed of.

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.)