

WPA 16840 of 2023

Rahul Chandra Khamari & Ors.
vs.
The State of West Bengal & Ors.

Mr. Indranath Mitra

.....for the petitioners

Mr. Arjun Ray Mukherjee

Ms. Tuli Sinha

.....for the State

Under challenge in the present writ petition is an order dated February 26, 2021 issued by the Principal Secretary, Labour Department, Government of West Bengal. By the said memo, the Principal Secretary, Labour Department held that whether the benefits of memo dated September 16, 2011, February 25, 2016 can be extended to the petitioners, who are the contractually engaged Clerks with Knowledge of Computer Operation (CKCOs) employed pursuant to a notification dated August 22, 2010 issued by the Labour Department, Government of West Bengal will depend upon the decision taken by the Finance Department. Only the Finance Department can extend such benefits to CKCOs.

A Report on Affidavit as handed over in Court today by Ms. Sinha, learned counsel appearing on

behalf of the State-respondents is retained with the records.

From the said Report it appears that by a memorandum dated August 21, 2023, the Finance Department, Government of West Bengal was principally agreeable to give the benefits of the memorandum dated September 16, 2011 vide No. 9008-F(P) and all the subsequent order issued thereon in favour of CKCOs who have rendered 10 years of service continuously with at least 240 days of attendance in each year. Furthermore, the CKCOs who are in position at present and would complete 10 years on continuous service in the coming years with at least 240 days of attendance will also be eligible for such benefits.

The SES/The Principal Secretary/ Secretary of the Labour Department were directed to approve of such benefits after exercising necessary cheques and balances.

For budgetary support, the Labour Department was requested to approach the Finance Department.

In view of the aforesaid memorandum dated August 21, 2023, this Court directs the Principal Secretary, Labour Department, Government of West Bengal to consider the eligibility of the petitioners again within a period of 6 weeks from date. In the

event, the petitioners are found eligible for such benefits, the same will be paid to them from January 10, 2024 and subsequently within the 10th of every following month.

All the arrears of benefits will be given to the petitioners with effect from the dates when they have completed 10 years of continuous service with at least 240 days of attendance every year.

With the directions aforesaid, **WPA 16840 of 2023** is **disposed of**.

All parties are to act on a server copy of this order downloaded from the official website of this Hon'ble Court.

Urgent certified website copies of this order, if applied for, be made available to the parties subject to compliance with all requisite formalities.

(Lapita Banerji, J)