

**10.04.2023**  
**DL-73**  
(PP)

IN THE HIGH COURT AT CALCUTTA  
CONSTITUTIONAL WRIT JURISDICTION  
APPELLATE SIDE

**WPA 19128 of 2017**

**Biswajit Das**  
**Vs.**  
**The State of West Bengal & Ors.**

Mr. Debashis Banerjee,  
Mr. Rakesh Jana  
...for the petitioner.

Mr. N. C. Bihani,  
Ms. Papiya Banerjee Bihani  
....for the respondent nos.3 to 8.

The grievance of the petitioner is that he was engaged as a Pump Operator by the Public Health Engineering (PHE) Department in the land loser category. The petitioner was paid his remuneration till May, 2011. Thereafter, no payment has been made to the petitioner despite several representations made by him.

Mr. Bihani, learned counsel appearing on behalf of the respondent nos. 3 to 8 submits that the petitioner was not engaged directly by the Public Health Engineering Department and was appointed by a private contractor. He submits that no promise was made to the petitioner for employment in lieu of the land handed over by the petitioner.

Such stand of the respondent nos.3 to 8 appears from the report affirmed on May 28, 2017. From an additional report on affidavit filed on behalf of the respondent nos.3 to 8, it appears that the petitioner

was engaged through an agency by the Howrah Mechanical Sub-Division under Electrical Division, PHE Directorate. The petitioner was under the pay roll of the agency concerned. It also appears that the operation of the pump house was taken over by the Sabhapati, Uluberia-I Panchayat Samity, vide memo dated February 10, 2010 from the Assistant Engineer, PHE Directorate. The maintenance of the said pump house and the assets under the said scheme were handed over to Howrah Zilla Parishad on March 1, 2010. Therefore, Mr. Bihani submits that the petitioner's claim is not maintainable against the PHE department.

Considering the rival submissions of the parties and the materials placed on record, this Court finds that admittedly the land of the petitioner was taken and he was engaged as a Pump Operator till 2011. Since May, 2011 no salaries have been paid to him.

Without going into the issues regarding the last representation of the petitioner being made in 2017, this Court directs the respondent no.6/the Executive Engineer, Howrah Division to consider the representation of the petitioner dated June 12, 2017 in respect of continuance of his service as a Pump Operator and arrears of salary since February 2011.

Let such representation be considered within 8 weeks from date upon giving a personal hearing to the writ petitioner. Let a reasoned order be passed and

be communicated to the petitioner within 2 weeks thereof.

With the directions aforesaid, **WPA 19128 of 2017** is **disposed of**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Hon'ble Court.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

**(Lapita Banerji, J.)**