

D/L. 8.
December 15, 2023.
MNS.

WPA No. 20153 of 2023

Paschimbanga Prani Sampad Bikash
Kormi Union and another
Vs.
The State of West Bengal and others

Mr. Shayak Chakraborty,
Mr. Soham De Dhara

... for the petitioners.

Mr. Suman Ghosh,
Ms. Munmun Tewari

...for the State.

Mr. Debashis Basu,
Mr. Pradyot Kumar Saha

...for the Union of India.

1. The petitioners worked under a scheme, which *inter alia* incorporated Brucella vaccination, which was carried out by the petitioners. The said scheme was to be funded by the Central Government and operated under the aegis of the State Government.
2. It is contended that although the petitioners duly worked under the said scheme and the approved remuneration per animal during the relevant period, that is, the year 2022 was

Rs.12/- for the State of West Bengal, the petitioners were not paid at such rate.

3. Learned counsel appearing for the State places reliance on the report submitted by the Chief Executive Officer, Paschim Banga Go-Sampad Bikash Sanstha and argues that a decision was taken in the Minutes of the 6th Meeting of the National Steering Committee of Central Sector Scheme National Animal Disease Control Programme that for the relevant period starting from September 2, 2021, the approved remuneration per animal with regard to States like West Bengal for Brucella vaccination was to be Rs. 12/-. Subsequently, by a communication dated September 22, 2022, in-principle administrative approval under LHDCP scheme for the Financial Year 2022-2023 was sent to the State. It is further pointed out that the said approval pertains to a period covering Phase-IV, that is, subsequent to the contentious period.
4. It is contended that due to the Union of India withholding the due funds for payment, the State is not being able to remunerate the

petitioners and other similarly placed workers under the said scheme of animal vaccination.

5. Learned counsel for the Union of India seeks to place reliance on an order dated February 22, 2023, issued by the Government of India through the Ministry of Fisheries, Animal Husbandry & Dairying, Department of Animal Husbandry & Dairying. The said order stipulates the revised rate of remuneration per animal for Brucella vaccination to be Rs.5/-. It is indicated in the same that the revised rates of remuneration will be applicable with effect from February 16, 2023.
6. Learned counsel also hands up previous operational guidelines, which indicates that remuneration to vaccinators would not be less than Rs.3/- per vaccination dose and Rs.2.5/- per animal for ear tagging and data entry. It is also stated that the remuneration was increased per animal to Rs.5/- and the Union of India is not responsible for funding previous remuneration at higher rates.
7. A bare perusal of the operational guidelines handed over by learned counsel indicates that the same is merely an operational guideline

and does not fix the remuneration conclusively.

8. Insofar as the order dated February 22, 2023 is concerned, a copy of which has been handed over both by the Union of India and the State, the revised rates of remuneration as per the State would be applicable with effect from February 16, 2023, which is subsequent to the period for which the petitioners worked, that is, July and August, 2022 for Phase-III.
9. Rather, the Minutes of the 6th Meeting dated September 6, 2021 of the National Steering Committee of Central Sector Scheme National Animal Disease Control Programme comprised of all the stakeholders, including at the National and the State level, clearly indicates that the approved remuneration per animal for the State like West Bengal for Brucella vaccination was Rs.12/-.
10. The said rates were to take effect even as per the said Minutes from September 2, 2021 and, thus, covered the period before the Order dated February 2, 2023 came, the latter being operative only subsequently from February 16, 2023.

11. Hence, during the relevant period when the petitioners worked, that is, in the year 2022, the prevalent rate even as per the National Steering Committee, also comprised of the stakeholders of the Union of India, was Rs. 12/- per animal. Thus, there cannot be any ground on which the funds for remunerating the petitioners and other similarly placed workers under the animal vaccination scheme should be withheld by the Union of India.

12. In such view of the matter, WPA No. 20153 of 2023 is allowed, thereby directing the respondent nos. 7 and 8 to disburse the funds to respondent no. 5, that is, the Chief Executive Officer, Paschim Banga Go-Sampad Bikash Sanstha, for the period covered by Phase-III of the said scheme, that is, during the months of July and August, 2022 at the rate of Rs.12/- per animal. Such disbursement shall be made as expeditiously as possible, positively by January 31, 2024.

13. The Chief Executive Officer, that is, the respondent no. 5, shall immediately thereafter disburse such funds to the petitioners and other workers, who worked under the said scheme for Brucella vaccination at the rate of

Rs.12/- per animal, positively within February 29, 2024.

14. It is further clarified that the respondent nos. 1 to 6 shall not compel the petitioners or other artificial insemination workers to mandatorily participate in Brucella vaccination as a pre-condition of being allotted work under the vaccination scheme otherwise.

15. Since affidavits were not directed, it is deemed that the allegations made in the writ petition are not admitted by the respondents.

16. There will be no order as to costs.

17. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)