

Item No. 16

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

11.10.2023
Ct-24

WPA 24434 of 2023
Sabiul Momin & Ors.

v.

The State of West Bengal & Ors.

Mr. Tanmoy Chattopadhyay
... for the petitioners.

Mr. Santanu Kumar Mitra
Ms. Rama Halder
... for the State.

Mr. Gangadhar Das
... for the respondent nos. 7 & 8.

The petitioners claim to be serving in the Panchayat as Additional Work Force of the Vector Borne Disease (VBD) Control Programme.

Their allegation is that they are not being paid their honorarium since January 2023. The petitioners claim to be serving the Panchayat till date on regular basis.

Learned advocate representing the Panchayat admits that the petitioners are serving the Panchayat and the Panchayat is utilizing the service of the petitioners in the matter of vector control.

It has been submitted that fund has not been allotted by the Block Development Officer for releasing honorarium to the petitioners and as such the honorarium cannot be disbursed.

Learned advocate has drawn attention of the Court to the order dated September 21, 2022 passed by a coordinate Bench of this Court in WPA 21432 of 2022 (Baishakhi Mandal & Ors. v. The State of West Bengal & Ors.) wherein the Court granted liberty to the petitioners therein to raise all allegations before the Additional Executive Officer, Malda Zilla Parishad.

The said Additional Executive Officer was directed to grant opportunity of hearing to the petitioners, the Block Development Officer, the Pradhan of the Gram Panchayat and also the persons enlisted in the panel dated January 25, 2022, i.e. the petitioners herein.

A report was directed to be prepared and submitted before the Special Secretary, Panchayat & Rural Development Department.

The said order of the learned Single Judge was carried in appeal and the Hon'ble Appeal Court by order dated January 20, 2023 in FMA 1399 of 2022 with IA No. CAN 1 of 2022 (Baishakhi Mandal & Ors. v. The State of West Bengal & Ors.) modified the order passed by the learned Single Judge and directed the District Magistrate, Malda to carry forward the enquiry that is pending before the Additional District Magistrate.

Learned advocates representing the petitioners and the Pradhan of the Gram Panchayat submit that hearing is yet to be conducted.

Upon hearing the submissions made on behalf of the parties it appears that the Panchayat is utilizing the service of the petitioners without payment of honorarium. The Panchayat submits that fund is yet to be released by the Block Development Officer.

The Pradhan of the Gram Panchayat is directed to take necessary steps to raise appropriate bills and forward the same to the Block Development Officer for releasing the honorarium meant for the persons who are serving the Panchayat under the Vector Borne Disease Control Programme.

The persons who are in service will only be entitled to the honorarium and bills will be raised accordingly by the Panchayat.

Upon forwarding the bills to the Block Development Officer, the same shall be vetted and if found proper, payment shall be released in favour of the persons who have rendered service to the Panchayat.

The Panchayat is directed to forward the bills to the Block Development Officer positively by October 17, 2023.

The Block Development Officer shall take necessary consequential steps and disburse payment within four weeks thereafter.

The writ petition stands disposed of.

Affidavit-of-service filed in Court today is taken on record.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

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(Amrita Sinha, J.)