

WPA 27061 of 2022

Mofijul Sk and Ors.
Vs.
The State of West Bengal & Ors.

Mr. Samim Ahammed
Mr. Arka Maity
Mr. Aniruddha Singh
Ms. Ambiya Khatun

....for the petitioners

Mr. Rezaul Hossain

.....for the State

Despite repeated accommodations being taken on behalf of learned counsel appearing on behalf of the State Fisheries Development Corporation Limited (SFDCL), the respondent Nos. 2 and 3 are not represented even today. The petitioners were engaged as daily rated workers with the SFDCL. By a transfer order dated November 24, 2022, the petitioners were transferred from Nalbon Fisheries Project to Shankarpur Fisheries Project.

The grievance of the petitioners is two fold:-

- (a) The petitioners being daily rated workers could not have been transferred, and
- (b) Despite rendering service from June, 2022 till November, 2022, their salaries/wages were not paid.

Mr. Hossain, learned counsel represents the State.

Considering the submissions of the parties and the materials placed on record, this Court finds that

the petitioners are daily rated workers. They can be disengaged from service by the respondent Nos. 2 and 3 in case there is no need for the job for which they are engaged on a daily basis. Since there is no permanency of the engagement of the petitioners, this Court does not go into the question whether or not the petitioners could have been transferred by the transfer order dated November 24, 2022. To the mind of this Court it appears that since there was need for manpower in Shankarpur (FP), the petitioners may have been asked to join the new place. It was in the nature of an option given to the petitioners. On the second issue with regard to payment of arrears of their wages, this Court is of the view that the same has been withheld arbitrarily by the respondent Nos. 2 and 3. The number of days for which the petitioners rendered service from the month of June, 2022 till November, 2022 will be calculated by the authorities concerned and the arrears of wages will be disbursed to the petitioners within three months from the date of the order. This order will be applicable to all the petitioners apart from the petitioner No. 33. It appears to this Court that the petitioner No. 33 despite filing a previous writ petition on the self-same cause of action has again agitated his grievance again in WPA 27061 of 2022. Therefore, this Court is not inclined to pass any order in his favour.

With the directions aforesaid **WPA 27061 of 2022** 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 certified copies of this order, if applied for, be made available to the parties subject to compliance with all requisite formalities.

(Lapita Banerji, J)