

20-11-2023
ct no. 13
Sl. 4
sp

WPA 27156 of 2022
Sudipta Chakraborty & Ors.
-Versus-

The State of West Bengal & Ors.

Mr. Sakti Pada Jana,
Mr. Subhajyoti Das

...for the petitioners

Mr. Tapan Kr. Mukherjee,
Ms. Tuli Sinha

... for the State

1. The petitioners are all employees of an Agricultural Training Centre run by Ramkrishna Mission Ashram, Narendrapur. They are a government sponsored and/or “grant-in-aid” Institution under the Ministry of Agriculture, Government of West Bengal. They are also covered under the Death Cum Retirement Benefit (DCRB) Scheme of the State and are, therefore, entitled to pension and other benefits available to regular State Government employees.
2. By an order dated September 18, 2020, the ROPA 2019 and all other revisions of pay and allowances have been made applicable to the petitioners by the Department of Agriculture of the State.
3. The petitioners seek the benefit under the West Bengal Services (Medical Attendance)

Rules, 1964. The petitioners' prayer has been rejected by the State in communication dated January 22, 2022. The stand taken by the State in the impugned order as well as the report filed before this Court is that the medical benefits conferred by the State are only for those employees who are in "Civil Posts" within the meaning of Article 309 of the Constitution of India.

4. It is noticed that two other Institutions who are similarly sponsored by the State, i.e., the Department of Agriculture, namely, Bidhan Chandra Krishi Vishwa Vidyalaya (BCKV) and Uttar Banga Krishi Vishwa Vidyalaya (UBKV) have been covered under an independent health scheme by the State by notification No. 2080-AG-12019(15)/7/2020-EDU SEC dated June 7, 2021. Admittedly, the employees of the BCKV and the UBKV are also not holding civil posts under Article 309 of the Constitution of India.
5. There is, therefore, absolutely no reason for the State to apply the notification No. 2080-AG-12019(15)/7/2020-EDU SEC (supra) also to the petitioners. Refusal to the petitioners is therefore discriminatory as they are similarly situated as employee of BCKV and UBKV.

6. Indeed it is true that the health scheme of the State as contained in the notification and the scheme called the West Bengal Health Scheme, 2008 is applicable only to “Civil Post” holders within the Meaning of Article 309 of the Constitution of India.
7. It is essentially in this backdrop that the State, the Department of Agriculture had issued a separate notification for the BCKVV and UBKVV dated June 7, 2021.
8. The arguments of the learned counsel for the State that the above two Institutions are Universities and not sponsored or grant-in-aid Institution, cannot stand in any way of a basic right to equality with of the employees of other sponsored or grant-in-aid Institution. Such Institutions are admittedly enjoying benefits of ROPA and the DCRB Scheme similar to persons holding civil posts under the State.
9. The petitioners have pursuant to orders of this Court dated March 14, 2019 in WP 19948 (W) of 2018 (Satinath Das & Ors. Vs. State of W.B. & Ors.) has been granted leave encashment and are enjoying the same. The order has not been challenged.
10. In the above circumstances, this Court is inclined to issue a writ of mandamus

directing the State Government to cover the petitioners, i.e., the employees of Ram Krishna Mission Ashram Agricultural Training Centre, the benefit notification No. 2080-AG-12019(15)/7/2020-EDU SEC dated June 7, 2021 immediately.

11. With the aforesaid observations, the writ petition shall stand disposed of.
12. There shall be no order as to costs.
13. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)