

Sl.No. 29
27.02.2023
SB-II
AGM

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

W.P.A. 329 of 2023

**Birpara Welfare Organisation & Anr
-versus
The Union of India & Ors.**

**Mr. Nabankur Paul,
Mr. Sagnik Bhowmick,
...For the Petitioners.**

**Mr. Ajoy Kumar Singhanian,
...For the U.O.I.**

The grievance of the petitioners is that the contract for providing Rogi Sahayaks and manning of Rogi Seva Kendra in West Bengal which expired on 30th November, 2022 has not been renewed allegedly on account of administrative complaints.

The petitioners submit that the petitioner no. 1 was awarded the contract and performed the work satisfactorily for nearly a decade. All on a sudden, without affording any opportunity to the petitioner no. 1, the contract was not renewed. The petitioners have not been made aware about the reasons for non renewal of the contract. The administrative complaints lodged against the petitioners were also not made known to them.

It has been submitted that though the petitioner submitted its bid in the expression of interest but because of the alleged complaints, the candidature of the petitioner no. 1 was not accepted.

Petitioner no. 1 filed represented before the Birpara State General Hospital on December 2022 and the same has been replied by the Superintendent of the Hospital in January, 2023 mentioning the reasons for which the petitioner's contract was not renewed. According to the petitioner, no opportunity of hearing was given prior to giving reply to the representation filed by the petitioner.

From a perusal of the documents annexed to the writ petition, it appears that the Superintendent of the hospital did not renew the contract of the petitioner on account of some discrepancies which came to their notice in the administrative and financial management for the period 21-22.

The reply mentions that the NGO used to pay the salaries of the employees in cash and not by bank transfer. The same is against the financial norms. The NGOs also collected cut-money from the Rogi Sahayika which is unacceptable. An enquiry team visited the hospital but the NGO failed to provide any specific answer to the team.

It appears that despite all the discrepancies the petitioner no. 1 was allowed to participate in the process for selection of NGOs. The petitioner no. 1 participated in the same but was unsuccessful. The petitioners also failed to give satisfactorily reply to the enquiry team.

A fresh contract has already been executed.

In the present facts and circumstances it will be open for the petitioner to participate in the next selection process, if permissible in law. At this stage no further relief can be granted to the petitioner.

The writ petition stands disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)

