

06. 05. 2024

BP
Sl. 5
Court No. 23

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 9744 of 2024

Brindaban Das Adhikary
Vs.
The State of West Bengal & Ors.

Mr. S.P. Pahari
Mr. A Pradhan
Mr. Tapan Kumar Mahapatra
..for the petitioner

Mr. Suspvam Sengupta
Mr. Subir Pal
..for the State

The petitioner was suspended by the respondent no.4 on 14th September, 2023. The petitioner made a representation on 22nd November, 2023 to the respondent no.3 for taking necessary steps so that the petitioner may join in his regular duty in respondent no.4. The said representation was required to be disposed of by the Deputy Labour Commissioner, Haldia (respondent no.3) but the same has not yet been done. The writ petitioner in view thereof is under suspension but is without his grievances relating to suspension being addressed. The petitioner also says that he is not receiving subsistence allowance during the period of his suspension although he is entitled to get the same under

the West Bengal Payment of Subsistence Allowance Act, 1969 (hereinafter referred to as the '1969 Act')

In the aforesaid facts and circumstances, the respondent no.4 is directed to pay the subsistence allowance in accordance with the provisions of 1969 Act to the petitioner with all arrears up to May, 2024. The subsistence allowance for the current month i.e. May, 2024 shall be paid by 15th May, 2024. The subsistence allowance for the subsequent months until there is any interjection to the same shall be continued to be paid by 10th of each month and month by month.

The respondent no.3 is directed to dispose of the petitioner's representation dated 22nd November, 2023 at the earliest but not beyond 25th June, 2024.

Nothing further remains to be adjudicated in the writ petition and the same is accordingly disposed of.

Since I have not called for affidavits, the allegations contained in the writ petition are deemed to have not been admitted by the respondents.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Arindam Mukherjee, J.)

