

HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

Present:

THE HON'BLE JUSTICE JAY SENGUPTA

WPA 10485 of 2023

Sk. Barjahan and others.

Versus

The State of West Bengal & Ors.

For the petitioners

Mr. Debajyoti Deb
Mr. Pabitra Biswas
Ms. Somdyuti Parekh

For the respondent no.7

Mr. Kinkar Kumar Bhattacharya
Mr. Gourav Das

For the State

Mr. Susanta Paul
Mr. Subhendu Sengupta

For the respondent no.8

Mr. Nitai Charan Patra

Heard on

: 20.11.2024

Judgment on

: 20.11.2024

JAY SENGUPTA, J:

This is an application under Article 226 of the Constitution of India, *inter alia*, praying for direction upon the respondents to show cause as to why the monthly salary of the petitioners who are working as night watchmen in their respective vocational

training centres of West Bengal be not enhanced and the salary be directly transferred to the respective employee's bank account and upon perusal of the show cause, to enhance the monthly salary and direct payment to the petitioners' bank account.

Instruction filed on behalf of the State is taken on record.

Pursuant to an order passed by the Court earlier, the respondent no.7 is represented through learned counsel and the respondent no.8 is present in Court in person.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners are working as night watchmen in the schools in question. They are usually working in the schools from 6 PM to 6 AM. Yet, they are being paid far less than the prescribed minimum wages for the State. Initially the sum was Rs. 2000/- per month, which was later increased in Rs. 3000/- per month. Even that sum is not being paid regularly by the schools. Sometimes it is paid as a consolidated amount after six or seven months. At that time some school authorities even demand a cut. This kind of policy should not be pursued by the State where the petitioners might be subjected to the arbitrary actions of the concerned school authorities.

Learned counsel appearing on behalf of the State denies the allegations and submits that if the school authorities are

responsible for any wrongdoing, they would be hauled up for the same. As per the instructions, the State is keeping a close supervision on the payment of remuneration to the night watchmen of the VTC. In the event the petitioners insist upon payment of minimum wages, they have to ventilate their grievances before the appropriate authority.

Learned counsel appearing on behalf of the respondent no.7 and the respondent no.8 appearing in person strongly deny that the school authorities had demanded any cut whatsoever. In fact, the respondent no.8 submits that he has no objection if the amount is paid to the petitioners through their bank accounts.

It appears that regarding the quantum of wages, a representation is already pending before the Joint Secretary, Department of Technical Education, Training and Skill Development, Govt of W.B.

In view of the above, the writ petition is disposed of by directing the respondent school authorities to henceforth make payment of remuneration to the petitioners through their respective bank accounts on a monthly basis. For this purpose, the petitioners shall provide their bank account details to the respondent school authorities within five days from this date. Let the respondent no.4 decide the representation made by the

petitioners regarding their wages in accordance with law and expeditiously, preferably within a period of four weeks from the date of communication of this order.

Accordingly, the writ petition is disposed of.

As affidavits were not called for, allegations contained in the writ petition are deemed not to have been admitted.

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

(Jay Sengupta, J)