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03.05.2024
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 12300 of 2024

Subhendu Banerjee
Vs.
State of West Bengal & Ors.

Mr. Somnath Roy Chowdhury,
Ms. Sanjana Jha
...for the petitioner

Mr. Pantu Deb Roy,
Mr. Pannalal Bandopadhyay
...for the State

1. Affidavit-of-service filed in Court today be kept on record.
2. Learned counsel appearing for the petitioner contends that the petitioner did certain work for the respondent-authorities. At the juncture of payment, although substantial amount of the dues of the petitioner was paid, an amount of a little more than Rs.10,00,000/- was not paid to the petitioner, prompting the petitioner to approach the appellate authority in terms of the tender document.
3. However, till date, the said appellate authority, being the respondent no. 2, that is, the Secretary (Health and Family Welfare) NHM, Government of West Bengal, has not decided the petitioner's

challenge and/or given any intimation to the petitioner on such count.

4. Upon hearing learned counsel for the parties, it transpires that the challenge of the petitioner ought to have been decided by now on merits.

5. Accordingly, W.P.A. No. 12300 of 2024 is disposed of by directing the respondent no. 2 to decide the challenge preferred by the petitioner regarding the alleged non-payment of his total dues, as expeditiously as possible, preferably within four weeks from date, in accordance with law and upon giving an opportunity of hearing to the petitioner.

6. It is made clear that the merits of the claim of the petitioner have not been gone into by this Court in the present writ petition.

7. There will be no order as to costs.

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

(Sabyasachi Bhattacharyya, J.)