

Court No. 2
21.6.2024
(Item No. ML-87)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 14732 of 2023

Nabanita Mondal
VS
The State of West Bengal & Ors.

Mr. Tarun Kumar Das
Mr. Dilip Kumar Shyamal
.... For the petitioner
Mr. Gourav Das
.... For the State

Affidavit of service filed in Court today, is taken on record.

The petitioner claims to have been working as Skilled Technical Person under the Mahatma Gandhi National Rural Employment Guaranteed Scheme. The petitioner claims unpaid remuneration since January 20, 2021. The petitioner states that the employment of the petitioner is controlled and overseen by the Panchayat department.

Mr. Tarun Kumar Das, learned advocate appearing for the petitioner referring to a representation dated **April 19, 2023, Annexure P-23** at **page 58** to the writ petition submits that, the said representation was made before the State authorities but had not yet received any attention.

Mr. Gourav Das, learned counsel appears for State respondents. On instruction received from his client learned State counsel submits that no fund is

released by the competent authorities, who disburse such payment, from the year on and from June 2020. He further submits that, the respondent No. 11 had no authority to utilize the service of the petitioner. Copies of the instruction handed over to this Court through a bunch of documents, is taken on record.

From the submissions of the parties it appears that, the petitioner has worked and has been working, so the claim of the petitioner is required to be considered in accordance with law. Copy of the instruction is also made over to the learned advocate on record for the petitioner in Court today.

Considering the submissions made on behalf of the parties and upon perusal of the materials on record, the respondent No. 7 upon issuing a prior hearing notice of at least seven days to the petitioner and the respondent No. 11 and any further or other authorities the respondent No. 7 deems fit and proper and upon giving them an opportunity of hearing shall decide the Said representation of the petitioner dated **April 19, 2023, Annexure P-23** at **page 58** to the writ petition by passing a reasoned order in accordance with law.

The entire exercise as directed above shall be carried out and completed by the respondent No. 7 within a period of **eight weeks** from the date of

communication of this order. The respondent No. 7 then shall communicate the reasoned order to the petitioner, respondent No. 11 and any further or other authorities of the State he thinks fit and proper positively within a further period of **two weeks** from the date of passing the said reasoned order.

It is made clear that, this Court has not gone into the merits of the rival contentions of the parties raised before this Court. The petitioner and the parties who will attend the hearing shall be at liberty to urge whatever points they wish to urge by relying upon whatever records and documents they wish to rely upon before the respondent No. 7.

In the event, the reasoned decision goes in favour of the petitioner, the respondent No. 7 shall immediately direct the appropriate State authorities within a period of **two weeks** from the date of communication of the said reasoned order to give immediate effect thereof. The appropriate authorities then shall give effect to the said reasoned order positively within a period of **four weeks** from the date of receiving said reasoned order.

It is made clear that, this order shall not create any right or equity in favour of the petitioner in the event, petitioner is found ineligible to receive his claim strictly in accordance with law.

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

On the above terms, this writ petition **W.P.A 14732 of 2023** stands **disposed of**, without any order as to costs.

Urgent certified photo copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Aniruddha Roy, J.)