

D/L 34
25.11.2024
Court No.14
PRADIP

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 23825 of 2024

Sandip Halder
Vs.
The State of West Bengal & Ors.

Mr. Saptansu Basu, Sr. Adv.
Mr. Swarup Paul
Mr. Surya Maity
Mr. Guru Saday Dutta

...for the Petitioner

Mr. Joydip Banerjee
Mr. Prabir Kr. Roy

...for the State.

1. Affidavit of service filed in Court today is taken on record.
2. Instruction forwarded by the Medical Superintendent cum Vice Principal, Diamond Harbour Govt. Medical College & Hospital is also taken on record.
3. The petitioner was awarded the contract for supplying dietary articles to the indoor patients of Diamond Harbour Govt. Medical College & Hospital. As per the clause of the contract the contractor was to pay to the staff deployed by it the minimum wages as fixed by the State Government for unskilled workers, EPF, ESI, EDLI contributions, any other dues, entitlements etc. as per the relevant statutes in vogue and revised from time to time. The contractor was supposed to submit documentary evidence of such payment to the in-charge of the health facility with the contractor's monthly bill.
4. Learned senior counsel representing the petitioner submits that the monthly bills showing payment as above was duly submitted before the MSVP, Diamond Harbour Govt. Medical College & Hospital in August, 2024 onwards.
5. The contract mentions that the expenses are to be reimbursed to the contractor by the health facility after proper verification.

6. The prayer of the petitioner is to direct the authority to verify the bills and to reimburse the amount paid by the petitioner.
7. Learned advocate representing the State respondents relies upon the instruction forwarded by the Medical Superintendent cum Vice Principal, Diamond Harbour Govt. Medical College & Hospital mentioning that vendors who supplied cooked diet selected through e-tender will be eligible to get labour fees.
8. As it appears that the bills have already been placed before the Medical Superintendent cum Vice Principal, Diamond Harbour Govt. Medical College & Hospital and the same is pending consideration, accordingly, the instant writ petition is disposed of by directing the respondent no. 9 to take steps to verify the bills submitted by the petitioner and if the amount mentioned in the bills is found to be payable then, steps shall be taken to reimburse the same in terms of the contract. If the claim of the petitioner cannot be accepted, the reason for non acceptance shall be intimated to the petitioner.
9. An opportunity of hearing shall be provided to the petitioner prior to taking a final decision in the matter and reasoned order shall be passed and communicated to the petitioner at the earliest, but positively within a period of eight weeks from the date of communication of this order.
10. The writ petition stands disposed of.
11. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)