

Item-
5. 21-05-2024

MAT 2163 of 2023
CAN 1 of 2023
CAN 2 of 2024

sg Ct. 8

The State of West Bengal & Ors.
Versus
Haran Chandra Das & Ors.

Mr. Joyotosh Majumdar, Adv.
Mr. Suman Sengupta, Adv.
Ms. Amrita Panja Mallick, Adv.
...for the appellants
Mr. Firdous Samim, Adv.
Ms. Gopa Biswas, Adv.
Ms. Payel Shome, Adv.
Ms. Sampriti Saha, Adv.
Ms. Purba Mukherjee, Adv.
Mr. Avijit Kar, Adv.
Ms. Mohona Das, Adv.
...for the respondent nos. 1 to 10

In Re: CAN 2 of 2024

1. This is an application for condonation of delay. There is a delay of 125 days in preferring the appeal.
2. Sufficient cause being shown for not being able to present the memorandum of appeal within the period of limitation, the delay of 125 days in preferring the appeal is, thereby condoned and the prayer for condonation of delay is allowed.
3. CAN 2 of 2024 is, thus, disposed of.

In Re: MAT 2163 of 2023 and CAN 1 of 2023

4. The appeal is arising out of an order dated 18th September, 2023 as well as order dated 27th September, 2023 and also out of a subsequent order dated 28th November, 2023 passed by the learned Single Judge in a writ petition in which the writ petitioners claimed certain benefit on central scheme

under which they were working. They also challenged the order of disengagement of the petitioners.

5. We have heard the learned Counsel for the parties.
6. The dispute arose consequent upon the discontinuation of National Project for Cattle and Buffalo Breeding (NPCBB) Scheme floated by the Central Government. The writ petitioners were all engaged under the said project fully funded by the Central Government and the State Government was the implementing authority. However, upon discontinuation of the said scheme, State has floated one Scheme for Artificial Insemination and Vaccination for Cattle and Buffalo through doorstep Artificial Insemination service by utilizing self employed Artificial Insemination Workers (Pranbandhu, Pranisebee and A.I. Workers of Milk Unions/other Artificial Insemination Workers working under PBGSBS). The said scheme was introduced on 23rd March, 2018.
7. The petitioners, however, were asked by the State to establish their qualification before they could be considered for engagement. It appears that this issue was addressed by a learned Single Bench in the order dated December 16, 2021 passed in WPCRC 142 of 2016. The learned Single Judge directed the writ petitioners/supporting respondents to make application before the State Government expressing their willingness and intent to work under the scheme of the State Government by January 3, 2022. It was made clear that any person making application “shall be deemed to be eligible” for the simple reason that all of them have a proven track

record of working under the Central Scheme in force.

8. It appears that the Additional Chief Secretary rejected their prayer for disengagement overlooking the direction of the learned Single Judge that they should be considered eligible having regard to their past experience. This order was assailed in the writ petition in which the impugned order was passed.
9. While we completely agree that the Additional Chief Secretary could not have ignored the direction of the learned Single Judge in WPCRC 142 of 2016, we cannot also overlook the fact that the claim for arrears, as directed by the learned Single Judge, shall be released on verification of record showing discharge of duties by such workers.
10. It is submitted that the writ petitioners are still performing and the official portal of the Government would show that the writ petitioners are presently working and their performance can be easily verified from performance reports uploaded by the respective Block Life Stock Development Officers and on that basis, State may be directed to release their arrears since February 2022. The said submission appears to be fair as the State cannot deny the incentive/stipend as contemplated under the said scheme to the writ petitioners once it is verified at the Block Level and uploaded in the official website.
11. We, accordingly, direct the State to release all the arrear incentive/stipend as directed by the learned Single Judge on the basis of the data uploaded by the respective BLDOs within four weeks from date.

12. The writ petitioners are directed to submit the declaration of the Artificial Insemination Workers as mentioned in Annexure IV: Memo no. 580/1(51)/AD/P/6B-029/2018 dated 23rd Marc, 2018, within a period of fortnight from date.
13. The order of the learned Single Judge stands modified to the aforesaid extent.
14. The appeal and the application are, accordingly, disposed of.
However, there shall be no order as to costs.
15. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Soumen Sen, J.)

(Uday Kumar, J.)