

21.03.2025

DL-38

Ct. No. 33

Srimanta

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 4450 of 2021

Balai Das
-Vs.-
State of West Bengal & Ors.

Mr. Supreem Naskar,
Ms. Pritha Sinha

...for the petitioner.

Mr. Biswabrata Basu Mallick,
Mr. Biman Halder

...for the State.

The petitioner was employed as a 'Guard' under Itinda-Paitor Gram Panchayat Water Supply Scheme, Basirhat – I Panchayat Samity. After functioning for ten years the petitioner retired on 30.04.2017 and subsequently he filed representations before the concerned authorities on 07.05.2018 demanding benefits under certain schemes of the Government issued under Memorandum being No. 2966-F(P) dated 23.10.2010 for disbursal of a sum of Rs.2,00,000/-. However, after lapse of considerable time his representations were not dealt with appropriately which compelled him to file the instant writ petition with the following prayers:-

- (i) *A writ in the nature of Mandamus do issue commanding the respondent authorities, their men, agents, associates, subordinates, and employees to grant all benefits, consequential benefits, including arrear wages, that he is entitled to under the schemes of the Government being Memorandum being No. 2966-F(P) dated 23.10.2010 and subsequent Memorandums issued in continuation of the same and as such disburse an amount of Rs.2,00,000/- immediately to the petitioner;*
- (ii) *An order directing the respondents authorities, their men, agents, employees and subordinates to transmit before this Hon'ble Court all records and documents pertaining to the instant case so that conscionable justice may be done by passing appropriate orders upon perusal of the same;*
- (iii) *An interim order commanding the respondent authorities to disburse an*

amount of Rs.2,00,000/- immediately to the petitioner.

The learned Advocate representing the petitioner submitted that the issue in question had been decided by the Single Bench of this Court in WPA/1869/2021 which had been affirmed by the Division Bench of this Court in MAT/429/2024 which had been assailed by the Hon'ble Supreme Court declining to interfere with the observations of the Hon'ble Division Bench of this Court. Since the learned Advocate representing the State concedes to the submission of the learned Advocate representing the petitioner and since the instant writ petition is similarly circumstanced with the petitioners in WPA/1869/2021 as well as MAT/429/2024 this Court relies on the observation of the Hon'ble Division Bench as enumerated in paragraphs 20 to 30 of the MAT/429/2024. The respondent/State is to grant benefit to the petitioner being entitled to under the Memorandum dated September 16, 2011 along with an interest at the rate of 6% per annum from the date of accrual of such benefits in favour of the petitioner till the date of its realization. The respondents/State is to

comply with this order within six weeks from the date.

The writ petition being WPA/4450/2021 is disposed of.

(Ananya Bandyopadhyay, J.)