

**2404
2025**

THURSDAY

Court : MB-07
Item : DL-21
Bench : SINGLE
Matter : WPA
Status : DO
ID : 266057
AR : NANDY

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

WPA 4125 OF 2022

**SOUGATA PATI & ORS.
VS.**

THE STATE OF WEST BENGAL & ORS.

**MR. KAUSHIK DEY, ADVOCATE
MR. SOUMYAJIT MISHRA, ADVOCATE**

.....for the Petitioners

1. A program for the development of the livelihood of people living below the poverty line was introduced by the Union of India for the backward regions of certain states, including this state. The petitioners claim to have been engaged as 'Jeebika Sebaks' under this program in 2009. They further assert that, while engaged in this capacity, they have been diligently discharging all the duties assigned to them without any issues. Initially, they were engaged at a remuneration of Rs. 5,000/- per month, which was later increased to Rs. 7,500/- per month.
2. However, since 2017, the concerned respondent has stopped making payments of such remuneration. This prompted the petitioners to file a writ petition, WP 5870 of 2021, which was disposed of by a Coordinate Bench of this Hon'ble Court via order dated 19.03.2021, directing Respondent No. 2 therein to consider the petitioners' representation and pass a reasoned order within the specified timeframe.
3. Pursuant thereto, the Additional Chief Secretary to the Government of West Bengal, Panchayat & Rural Development Department, passed the order under challenge in this writ petition, rejecting the petitioners' representation. The order contended that the Backward Region Grant Fund (BRGF) Programme was introduced with financial assistance from the Government of India, and the petitioners'

engagement was made for a specific project with the stipulation that the validity of their engagement would depend solely on the duration of that project. The order further noted that as soon as the project ended, their engagement would, ipso facto, cease to exist. It was also noted that the Government of India had decided to delink the Programme from the budgetary support of the Central Government, effective from the financial year 2015-16. Therefore, the Additional Chief Secretary did not find any justification to accept the petitioners' contention in their representation. Aggrieved by this order, the present writ petition has been filed.

4. Despite being given opportunities on several occasions, the State has failed to file any affidavit disclosing its stance regarding the petitioners' claims made in the writ petition, nor has any of its representatives appeared to assist the Court in effectively disposing of this writ petition. Given this situation, the Court is compelled to proceed with the hearing of the writ petition in their absence.
5. Mr. Kaushik Dey, learned Advocate appearing on behalf of the writ petitioners, draws my attention to a communication dated 30.07.2015 from the Special Secretary to the Government of West Bengal, Panchayat & Rural Development Department, addressed to the District Magistrates and Executive Officers of the Zilla Parishad of certain districts. He argues that the Programme was transferred to the State. He submits that the concerned Block Development Officer (BDO), Panchayat Authority, and the Zilla Parishad, acting on behalf of the State, kept the petitioners engaged and utilized their services. However, no remuneration has been paid to them. He refers to certain letters of engagement issued by the BDO concerned and contends that the

BDO, as a functionary of the State, issued these letters of engagement even after the financial year 2015-16.

6. According to him, since the State continued the petitioners' engagement in their positions and utilized their services, the State cannot deny payment of the remuneration that was agreed upon. He further submits that both the Panchayat Authority and the Zilla Parishad, by issuing letters of engagement, formally engaged the petitioners. As such, the petitioners are still performing their duties and completing the unfinished work under the Programme, which is assigned to them from time to time. He also contends that the order under challenge was passed without considering these facts and the ground reality, and as such, it cannot be allowed to stand.
7. Heard Mr. Dey, learned Advocate representing the petitioners. Perused the materials on record.
8. There cannot be any quarrel with the fact that the petitioners were engaged under the BRGF Programme to execute certain works in the backward regions of the State. This Programme was introduced with financial assistance from the Central Government, and it is also an admitted fact that the order under challenge in this writ petition notes that the Government of India had decided to delink the Programme from the budgetary support of the Central Government, effective from the financial year 2015-16.
9. The question raised by the petitioners is whether the Programme was transferred to the State, considering that the Special Secretary to the Government of West Bengal, a senior official in a responsible position and one of the functionaries of the State, categorically stated in a communication dated 30.07.2015 that the

BRGF Programme had been transferred to the State. The communication further notes that the Central Government advised the State to complete the unfinished activities under the BRGF and considered it beneficial to utilize the services of 'Jeebika Sebaks' in the Gram Panchayats of the BRGF districts for overall planning, implementation, and monitoring of various development programmes under this context.

10. Therefore, taking note of this contradictory stance within the Secretariat level of the Department of Panchayat and Rural Development, Government of West Bengal, this Court directed the State to file an affidavit clarifying the issue. However, the State ultimately did not participate in the proceedings, nor did it file any affidavit. As a result, it remains unclear whether the said Programme was transferred to the State, whether the State decided to utilize the services of the 'Jeebika Sebaks' to complete the unfinished works under the Programme, and whether it undertook the financial responsibility to pay their remuneration.
11. Thus, the order under challenge in this writ petition was passed without considering these relevant factors. It is well-established that any administrative decision made while overlooking pertinent considerations is subject to judicial review and cannot be allowed to stand. Accordingly, the order is set aside.
12. Situated thus, this Court deems it appropriate to relegate the issue to the Additional Chief Secretary, Government of West Bengal, with a direction to revisit the matter and consider the petitioners' grievances afresh, taking into account the observations made in this order.
13. It is important to clarify that if he finds merit in the

petitioners' contention, he shall take the necessary follow-up actions. However, if he finds the petitioners' contention to be without merit and concludes that the stance taken by the Special Secretary is well-founded, and that the petitioners are not entitled to the remuneration they have been claiming, he shall issue a reasoned order, which must be communicated to the petitioners. The entire exercise shall be completed within a period of eight (8) weeks from the date of receipt of a copy of this order.

14. With these observations, **WPA 4125 of 2022** is **disposed of**.

(PARTHA SARATHI CHATTERJEE, J.)