

Form J(2)
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**IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side**

Present:

The Hon'ble Justice Aniruddha Roy

WPA 28123 OF 2024

Nayan Maity & Ors.

Vs.

The State of West Bengal & Ors.

For the petitioners : Mr. Samim Ahammed, Adv.
Ms. Ambiya Khatun, Adv.

For the Respondent No.1/State : Ms. Tuli Sinha, Adv.

For the Respondent Nos.2 & 3/SFDCL : Ms. Parna Roy Choudhury, Adv.
Ms. Payel Ghosh, Adv.

Heard on : August 07, 2025

Judgment on : August 07, 2025

Aniruddha Roy, J. :

Mr. Samim Ahammed, learned Advocate appears for the petitioners.

Ms. Tuli Sinha, learned State Advocate appears for the respondent no.1/State.

Ms. Payel Ghosh, learned Advocate led by Ms. Parna Roy Choudhury, learned Advocate appears for the respondent nos. 2 and 3.

Facts:

1. The order dated **June 16, 2025** has already recorded that the petitioners shall not file any exception to the reports.
2. Pursuant to the direction of this Court, the respondent no.1 has filed its report on affidavit affirmed on **March 4, 2025**, the same is taken on record.
3. The State Fisheries Development Corporation Limited/respondent no.2 (for short the Fisheries Corporation) has filed two reports on affidavits both affirmed by one Sarit Bhattacharya on April 2, 2025 and July 3, 2025 respectively. The petitioners were engaged as **Daily Rated Workers** who worked for the Fisheries Corporation in their respective projects in various places.

Submissions :

4. The petitioners were engaged as **Daily Rated Workers** who worked for the Fisheries Corporation in their respective projects in various places.
5. Relying upon the documents being **Annexure-P8** at **pages 119 to 140** to the writ petition learned Advocate for the petitioners submits that, the project-in-charge of the respective projects time and again requisitioned for necessary amount and submitted its demand before the Managing Director of the Fisheries Corporation for making necessary payments to the Daily Rated Workers. These primary documents contain

the respective enclosures showing the names of the Daily Rated Workers, which include the petitioners.

6. Learned Advocate for the petitioners then relies upon **Annexure-P5 at page 111** to the writ petition and submits that, the Managing Director of the Fisheries Corporation had duly informed the Principal Secretary of the Fisheries Department that, to work with various projects of the Corporation it required additional strength of manpower above the sanctioned post and, accordingly, the Daily Rated Workers were engaged as per the need and requirement from time to time to continue the Pisciculture operations at **21** numbers of projects and operations of Guest Houses and other restaurants. This document is of February 5, 2021.

7. The petitioners being the Daily Rated Workers through this writ petition claim their unpaid wages for the period between **December, 2023 to October, 2024**.

8. On identical circumstance, though for a different period of time, the other Daily Rated Workers have applied before a coordinate Bench claiming their unpaid wages. By an order dated August 3, 2023, Annexure-P7 at page 115 to the writ petition the previous writ petition was allowed directing payment of wages from August, 2022.

9. Learned Advocate for the petitioners further submits that, even after the said period **December, 2023 till October, 2024**, though the

petitioners have worked and have been working but have not been paid till date.

10. Ms. Parna Roy Choudhury, learned Advocate appearing for the Fisheries Corporation submits that, there is no formal engagement of the petitioners. The petitioners were engaged project wise by the respective projects-in-charge. Referring to the document from the writ petition at **pages 79 to 110** she submits that, the alleged Register of Attendance is not an authenticated document and does not bear the seal and signature of the projects-in-charge of the respective projects. Accordingly the attendance of the petitioners are also disputed.

11. Learned Advocate Ms. Tuli Sinha submits that, the claim of the petitioners are against the Fisheries Corporation and the State has no role to play and even if it is found from the record that any payment is due and payable, the same shall have to be paid by the Fisheries Corporation and not from the State Exchequer.

12. *Per contra*, learned Advocate for the Fisheries Corporation submits that, at present the Fisheries Corporation has been running in loss and has been asking for financial aid from the State. In this regard she refers to a document at **page 111** of the writ petition.

Decision:

13. After considering the rival contentions of the parties and upon perusal of the materials on record, this Court is of the view that, the engagement of the petitioners are not and cannot be questioned in any

way. In support of such finding the documents at **pages 119 to 140** from the writ petition can be looked into and relied upon. None of the reports on affidavits, filed on behalf of the Fisheries Corporation, would show that whatever admissible dues for the period between **December, 2023 till October, 2024** or thereafter till date has been paid to the Daily Rated Workers. The mere contention of the Fisheries Corporation that, all the petitioners are not working and they left the job has not been sustained on the basis of the materials on record. Even if the Attendance Register as disputed on behalf of the Fisheries Corporation, for the sake of argument, then it is also a fact to be noted that, the Fisheries Corporation has not been able to show the payment of admissible dues to the Daily Rated Workers during the period for which they have worked.

14. The Daily Rated Workers since have rendered their services, they must be paid at the agreed rate.

15. In view of the above discussions and reasons and keeping equity in mind, the respondent no.3 is directed with the assistance of the respective projects-in-charge to crystalise the amount admittedly payable to each of the petitioners after verification of all available records and then shall release the payment and pay the amount in favour of the petitioners who shall be found to be otherwise eligible to receive payment admittedly on record **since December, 2023 till October, 2024** and thereafter the ***petitioners who would be found to have worked on record*** shall be paid accordingly ***till the date of today's order.***

16. The entire exercise including the making of payment to the petitioners shall positively be carried out and completed by the respondent no.3 within a period of **three months** from the date of communication of this order.
17. It is made clear that, this order shall not create any right or equity in favour of the petitioners in any manner save and except to the extent the direction for payment is made under this order.
18. With the above observations and directions this writ petition, **WPA 28123 of 2024** stands **allowed**, without any order as to costs.
19. All parties are to act on the server copy of this order duly downloaded from the official website of this Court.

(Aniruddha Roy, J.)