

05.05.2026
rc/ct.no.15
Item No.40

WPA No. 7623 of 2025
Parimal Mukherjee & Ors.
Versus
The State of West Bengal & Ors.

Mr. Samim Ahammed
Mr. Saloni Bhattaharjee ..for the petitioners

Mrs. Tapati Samanta ...for the State

The petitioners were appointed as guards in Chanduria-I Gram Panchayat, Nadia on daily wage basis at Chanduria Water Project and superannuated during pendency of the writ petition. They claim benefits of a circular dated September 16, 2011, amended from time to time, issued by the Additional Chief Secretary, Finance Department, Government of West Bengal. Their prayer for implementation of the said circular being turned down by the concerned authority, they approached this Court in a writ petition being WPA No. 25636 of 2023. By an order passed on October 03, 2024, a coordinate Bench of this Court directed the Superintending Engineer, Eastern Circle, Public Health Engineering Directorate to take follow up action in terms of the letter dated November 10, 2022 issued by the Executive Engineer, Nadia in this regard. The claim of the petitioners was considered by the authority and turned down by an order passed on January 16, 2025 by the Superintending Engineer, Eastern Circle,

Public Health Engineering Department. The said order is challenged by the petitioners in the present application.

Learned counsel for the petitioners submits that other employees similarly circumstanced with the petitioners claimed such benefit before the concerned authority and their prayer was also turned down by the authority. They assailed the said order before this Court in a writ petition being WPA No. 1869 of 2021. By an order passed on January 29, 2024, this Court held that though the petitioners therein were appointed by the concerned Sabhadhipatis and Pradhans of Gram Panchayats and Samities, they performed the vital function of guarding, maintaining and operating the rural water supply system and pumps which are run and established by the Ministry of Public Health and Engineering. The order records that the benefits of the circular dated September 16, 2011 as modified from time to time, must be made available to the writ petitioners therein. The said order was carried in appeal before an Hon'ble Division Bench of this Court and by a judgment delivered on July 04, 2024 in MAT No. 429 of 2024 with MAT No. 430 of 2024, the Hon'ble Division Bench modified the orders of the coordinate Benches of this Court and held that the writ petitioners therein were entitled to receive the benefits extended under the memorandum dated September 16, 2011. The concerned authority was directed to pay the dues of the petitioners along with interest @ 6% per annum from the date of

accrual of such benefits in respect of each of the petitioners till payment thereof.

This order travelled to the Hon'ble Supreme Court and has been affirmed by the Hon'ble Court.

Learned counsel for the State submits that in view of the orders passed by this Court as well as the Hon'ble Supreme Court, the concerned authority shall act upon the same if so directed.

Upon consideration of the submission made by the learned counsels appearing on behalf of the parties and the material on record, this Court is of the view that the petitioners herein are similarly circumstanced with the petitioners in WPA No. 1869 of 2021 who have been accorded the benefit extended by the memorandum dated September 16, 2011, amended from time to time. The issue has already been decided by the Hon'ble Division Bench of this Court as well as by the Hon'ble Supreme Court. Therefore nothing further remains to be decided afresh in the present writ petition.

In view of the above, the Executive Engineer (P.H.E.), Nadia Arsenic Division-I, Public Health Engineering Directorate, being the 5th respondent herein and the Additional Chief Secretary, Department of Finance, Government of West Bengal, being the 7th respondent herein are directed to pay the dues of the petitioners in terms of the memorandum dated September 16, 2011, amended from time to time, alongwith 6% interest per

annum from the date of accrual of such benefit in respect of each of the petitioners till payment thereof.

The entire exercise shall be completed within eight weeks from the date of communication of this order.

The writ petition is disposed of accordingly.

There shall, however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the writ petition are deemed not to have been admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh,J)