

18.01.2024
Item Nos.4-5
gd/ssd

WPA(P)/237/2023
PASCHIM BANGA KHET MAZDOOR
SAMITY AND ANR.

VS
UNION OF INDIA AND ORS.

with

WPA(P)/555/2022
SUVENDU ADHIKARI

VS
STATE OF WEST BENGAL AND ORS.

Mr. Bikash Ranjan Bhattacharyya, ld. Sr. Adv.
Mr. Purbayan Chakraborty,
Mr. Kuntal Banerjee
..for the Petitioners in
WPA(P)/237/2023.

Mr. Soumya Majumder,
Mr. Srijib Chakraborty,
Mr. Anish Kumar Mukherjee,
Mr. Suryaneel Das,
Mr. Chiranjit Pal
..for the Petitioner in
WPA(P)/555/2022.

Mr. Billwadal Bhattacharyya, learned DSGI,
Mr. Arijit Majumdar
..for the Union of India in
WPA(P)/237/2023.

Mr. Kishore Dutta, ld. AG,
Mr. Samrat Sen,
Mr. Anirban Ray,
Mr. Piyush Agarwal,
Mr. Supratim Dhar,
Ms. Parna Roy Chowdhury,
Ms. Shrivalli Kajaria,
Mr. Debojyoti Das
..for the State.

Mr. Ashoke Kumar Chakraborti, ld. ASGI,
Mr. Kumar Jyoti Tewari,
Mr. Tirtha Pati Acharyya
..for the Union of India in
WPA(P)/555/2022.

Mr. Dhiraj Trivedi,
Mr. Ayanabha Raha
..for CBI in WPA(P)/555/2022.

Mr. Suman Basu
..for the Respondent No.6 in
WPA(P)/555/2022.

1. We have heard the learned advocates for either of the parties.

2. The learned Additional Solicitor General has drawn our attention to the affidavit-in-opposition filed in WPA 555 of 2022 by the respondent nos.1 and 2 sworn by the Secretary, Panchayat and Rural Development Department. In page 31 of the said affidavit it has been submitted that till date an amount of Rs.210.35 lakhs has been recovered in respect of the findings of the Team against the target of Rs.613.14 crores.

3. Thus, it appears that the Team on verification found certain bogus claims have been made and recovery said to have been effected. If that be so, it is not clear as to whether the amount so recovered has been disbursed to the genuine card holders and/or there are any road blocks in doing so. The matter has been lingering before this court for a quite long period of time and this court is of the firm view that a genuine verification process has to be done district-wise by a Team of four officers, one to be nominated by the Central Government, one to be nominated by the State Government and one officer from the office of the Auditor and Comptroller General as well as one officer

from the office of the Accountant General. This Team to be constituted shall do the verification on a district-wise basis and in each district the verification can be done at the sub-divisional levels so that the Team can visit those Sub-Divisions and the matter can be resolved at the earliest.

4. On the next hearing date the Central Government and the State Government shall furnish the names of the officers who are to be nominated to the Team as well as the officer from the office of the Auditor and Comptroller General as well as one officer from the office of the Accountant General. This four-member Team will be constituted after the names are furnished to this court who will undertake the verification process as expeditiously as possible.

5. The learned Advocate General submitted that a communication was addressed to the Government of India on 26th June, 2023 pointing out various issues with a request to revoke Section 27 of the Act and issue appropriate directions for preparation of the annual action plan and labour budget for the financial year 2023-24 so that the work can be started after the approval of the annual action plan and labour budget by the Ministry and release pending wage and non- wage components immediately.

7. It is submitted by the learned Advocate General that several communications have also been sent thereafter.

8. Let copies of all the communications be handed over to the learned Additional Solicitor General to enable the learned Additional Solicitor General to obtain instructions from the appropriate authority as regards the response of the concerned authority of the Central Government to various communications sent by the State Government.

9. In WPA 237 of 2023 a supplementary affidavit has been filed by the petitioners.

10. Copy of which has been handed over to the learned Deputy Solicitor General.

11. Liberty is granted to the concerned authority of the Central Government to file their affidavit-in-opposition raising all issues.

12. List these matters in the same caption on 25th January, 2024.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)