

Form J(2)
JPD Sl.No. 33
Moumita

In the High Court at Calcutta
In the Circuit Bench at Jalpaiguri
Constitutional Writ Jurisdiction
Appellate Side

Present:

The Hon'ble Justice Aniruddha Roy

WPA 1015 OF 2026

M/s. Bhowmik & Co.

Vs.

The State of West Bengal & Ors.

For the Petitioner : Mr. Bikramaditya Ghosh, Adv.
Mr. Ved Rai, Adv.
Mr. Mayank Bhandari, Adv.
Mr. Vivek Saha, Adv.
Mr. Binayak Bandyopadhyay, Adv.
Mr. Hrisav Anirban Ghosh, Adv.

For the State : Mr. Arijit Ghosh, Ld. Adv.
Ms. Radhika Agarwal, Adv.

Heard on : August 10, 2026.

Judgment on : August 10, 2026.

[In Court]

Aniruddha Roy, J. :

1. Affidavit-of-service, filed in Court today, is taken on record.
2. Mr. Bikramaditya Ghosh, learned Advocate appears for the petitioner.
3. Mr. Arijit Ghosh, learned Advocate appears for the State.

4. The petitioner contends that, pursuant to an agreement dated **December 31, 2013, annexure p-3 at page 35** to the writ petition, the petitioner was engaged as a generator operator. **Clause 8** of the agreement, **at page 37** to the writ petition, specifically stipulate inter alia, within the scope of work that Rogi Kalyan Samity would identify the Group D staff/persons to run the generators but to orient them is the obligation of the petitioner. Petitioner further contends that, since 2013 till 2026 these persons had been identified by the Rogi Kalyan Samity and had worked by operating the generators but their wage had never been paid by the hospital authority. Since 2013 to 2026 the wages had been paid by the petitioner **annexure p-5 at page 42** to the writ petition. The petitioner now claims refund of the entire amount paid by the petitioner.
5. Learned State Advocate Mr. Arijit Ghosh submits that, the manpower was never provided by the Rogi Kalyan Samity, however, the service provided by the petitioner has not been denied that, the generators were operated during the necessity.
6. On the previous day on **July 8, 2026** on the prayer of the State, the hearing of the writ petition was adjourned.
7. Learned State Advocate present today, on the query of the Court submits that, respondent no. 2 is the appropriate authority to take a decision on the issue. In view of the above, following directions are passed:

- (a) The petitioner shall submit a comprehensive representation before the respondent no. 2

within a week from today upon a copy being furnished to the office bearer/principle officer of the appropriate Rogi Kalyan Samity.

- (b) The respondent no. 2 after receiving the representation upon issuing a prior notice of hearing of ***seven days*** to the petitioner and the relevant Rogi Kalyan Samity/its principle officer/office bearer and after granting them an opportunity of hearing shall decide the said representation by passing a reasoned order in accordance with law.
- (c) The representation must be restricted only to the extent of the case made out in the writ petition and not beyond that, a copy of the writ petition may be referred to during the hearing.
- (d) The entire exercise shall be carried out and completed by the respondent no. 2 positively within ***four weeks*** from the date of the first day of hearing including by passing the reasoned order.
- (e) The reasoned order then shall be communicated to the petitioner and the Rogi

Kalyan Samity positively ***within a period of two weeks*** from the date of the said reasoned order to be passed.

8. In the event, the reasoned order goes in favour of the petitioner, necessary payment shall be made to the petitioner by the respondent no. 2 and/or any other appropriate State authority positively ***within three weeks*** along with ***interest*** at the rate of ***4% per annum*** from the due date till the actual payment be to be tendered to the petitioner.
9. The payment shall be made either by crediting the bank account of the petitioner through electronic mode or by a pay order or demand draft to the petitioner.
10. It is made clear that, this order shall not create any right or equity in favour of the petitioner, if the petitioner is not found not to be entitled to his claim or part of his claim, strictly in accordance with law.
11. Since affidavits are not called for, the allegations made in the writ petition are deemed not to have been admitted by the respondents.
12. With the above observations and directions, this writ petition ***WPA 1015 of 2026*** stands ***disposed of***, without any order as to costs.
13. Parties shall act on the basis of the server copy of this judgment duly downloaded from the official website of this Court.

(Aniruddha Roy, J.)