

Karabi Ghosh
ADVOCATE

High Court Calcutta
Bar Association Room No. - 2
Tel.- 2248-3169 / 3190

Resi & Chamber :
P261 C. I. T. Road, Scheme - IV - M
Kolkata - 700 010
☎ 2370 4580
Mob. 9831336008

Date : 26.02.2016

To

- 1) The Ld. Government Pleader,
High Court, Calcutta
2. THE JOINT SECRETARY, Agriculture Department,
Government of West Bengal, Writers' Building, Kolkata - 700001;
3. THE SECRETARY, Department of Finance, Government of
West Bengal, 'Nabanna Bhavan', 325 - Sarat Chatterjee Road,
Shibpur Mandirtala, Howrah - 711102;
4. THE ASSISTANT SECRETARY, Government of West Bengal,
Personnel and Administrative Reforms Department, 'Nabanna Bhavan',
325 - Sarat Chatterjee Road, Shibpur Mandirtala, Howrah - 711102;
5. THE SECRETARY, Department of Panchayat and Rural
Development, Government of West Bengal, Panchayat Bhavan,
1, Kiran Sankar Roy Road, Kolkata - 700 001;
6. THE SECRETARY, Department of Agriculture and
Co-operation, Government of India Krishi Bhawan, Rafi Marg,
New Delhi - 110 001.

Re . : W.P. No. 3657 (W) of 2016
SRI AMAR DAM & Anr.
-Versus-
The State of West Bengal & Ors.

Dear Sir(s),

Enclosed please find herewith a copy of the Writ Application alongwith all annexures which will appear before His Lordship the Hon'ble Justice Dipankar Datta on 07.03.2016 or so soon thereafter when the business of the Hon'ble Court will permits.

This is for your information and necessary action.

Thanking you

Enclo : As above.

Yours faithfully,

Karabi Ghosh
Advocate

DISTRICT : BIRBHUM

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W. P. No. 3457 (W) of 2016

Subject matter relating to :
Non-consideration of petitioner's
claim on the part of Agriculture
Department, Govt. of West Bengal
for implementation of 20 points
programme.

Under Group - IX Head - of
the Classification List.

Cause Title:

Shri Amar Dam & Anr.

-----Petitioners

- : Versus :-

The State Of West Bengal & Ors.

-----Respondents.

Advocate-on-record:

Karabi Ghosh

Karabi Ghosh, Advocate
High Court, Calcutta,
Bar Association Room No.2
Mobile No. 9831336006.

DISTRICT : BIRBHUM

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W. P. No, 3657 (W) of 2016

In the matter of :

Shri Amar Dam & Anr.

-----Petitioners

- : Versus :-

The State Of West Bengal & Ors.

-----Respondents.

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LIST OF DATES

- 27.09.1979 : Krishi Bikash Shilpa Kendra i.e. KBSK the Petitioner No. 2 got the registration from the office of the Special L. A. Collector.
- 09.02.1982: The Prime Minister's office appreciated the petitioners' organization as a good organization to implement the 20 point programme in the state of West Bengal.
- 16.04.1982: The Prime Minister's office empowered the Petitioner No.2 to implement the 20 point programme in the state of West Bengal.
- 22.07.1982: The Prime Minister's office informed the Petitioner No.2 for regularization of the workers of the Petitioner No.2 afterwards.
- 12.04.1982 : Secretary to the Government of West Bengal , agriculture Department requested the District

Magistrate etc for granting assistance to the petitioner No. 2.

23.05.1985: The Secretary to the Govt. of West Bengal, Agriculture Department submitted his report recommending taking over the 4200 workers of the Petitioner No.2 on sympathetic ground.

01.03.2011: Section officer of the Prime Minister's Office informed the petitioner No. 2 to the effect that the matter will consider by the State Govt.

14.06.2011: The representation on behalf of the Petitioner No.2 having been forwarded from the office of the Hon'ble President of India, the Assistant Secretary to the Govt. of West Bengal, directed the Joint Secretary to the Govt. of West Bengal, Agriculture Department to take an immediate redressive action in the matter within 15 days.

17.06.2011 Letter from Ministry of Law and Justice.

05.07.2011: The Joint Secretary to the Govt. of West Bengal, Agriculture Department directed the petitioner No. 2 to clarify the matter and send details of the court's order.

06.09.2011 The Chief Minister's Office, Govt. of West Bengal, Directed to the Secretary, Deptt. Of Agriculture, Govt. of West Bengal to implement the order of WP No. 18177(W) of 2009, ordered dated 13.10.2009, within a period of 15(fifteen) days from the receipt of the letter.

31.08.2015 The order passed in W.P. No.4936 (W) of 2012 by Hon'ble Justice Arijit Banerjee dated 31.08.2015.

09.11.2015 The compliance order passed by the Secretary Agricultural Department Government of West Bengal.

POINTS OF LAW

- I. Whether the claim of the petitioners for regularization and/or taking over of the petitioner's organization and regularization of its workers by the Government can be ignored or refused on the face of clear empowerment and assurance given by the appropriate Government of India as well as the State Authority while the workers of the organization working hard since long past voluntarily for the development of the society.
- II. Whether the impugned order is biased, unreasonable and contrary to the principles of promissory estopples.

Through
Manoj Chakraborty
Advocate

DISTRICT : BIRBHUM

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P. No. 3657 (w) of 2016

In the Matter of :

A writ of or in the nature of
Mandamus and/or prohibition and/or
certiorari and/or any other appropriate
writ or writs, direction or directions,
order or orders;

- And -

In the matter of :

The impugned Reasoned Order being
no. 256/L-67/11(pt-1) dated 09.11.2015
passed by the Additional Secretary,
Agriculture Department, Government
of West Bengal without applying mind
and without considering the

Certificates, Letters of Appreciation,
Recommendation given by the same
department various dignitaries & high
officials in favour of the Petitioners;

- And -

In the matter of :

1. SRI AMAR DAM, son of Sri
Shankar Dam, the Secretary of
Krishi Bikash Shilpa Kendra, 19/2B,
Karbala Road, Record Room, P.O.
Cossimbazar, P.S. Berhampore,
District- Murshidabad, PIN -
742102;

2. KRISHI BIKASH SHILPA KENDRA
having its registered office at
Sainthia at P.O. and P.S. Sainthia,
District - Birbhum, West Bengal,
represented by Sri Amar Dam, the
Secretary of the Petitioner No.2.

..... Petitioners.

- Versus -

1. THE STATE OF WEST BENGAL,
through the Secretary, Department
of Agriculture, Government of West
Bengal, 'Nabanna Bhavan', 325 -
Sarat Chatterjee Road, Shibpur
Mandirtala, Howrah - 711102;
2. THE JOINT SECRETARY,
Agriculture Department,
Government of West Bengal,
Writers' Building, Kolkata - 700001;
3. THE SECRETARY, Department of
Finance, Government of West
Bengal, 'Nabanna Bhavan', 325 -
Sarat Chatterjee Road, Shibpur
Mandirtala, Howrah - 711102;
4. THE ASSISTANT SECRETARY,
Government of West Bengal,

Personnel and Administrative
Reforms Department, 'Nabanna
Bhavan', 325 - Sarat Chatterjee
Road, Shibpur Mandirtala, Howrah
- 711102;

5. THE SECRETARY, Department of
Panchayat and Rural Development,
Government of West Bengal,
Panchayat Bhavan, 1, Kiran Sankar
Roy Road, Kolkata - 700 001;

6. THE SECRETARY, Department of
Agriculture and Co-operation,
Government of India Krishi Bhawan,
Rafi Marg, New Delhi - 110 001.

..... Respondents

To

The Hon'ble Mrs. Manjula Chellur, Chief Justice and Her Companion Justices
of the said Hon'ble Court.

The humble petition of the
petitioners above named most
respectfully

S H E W E T H :

1. The Krishi Bikash Shilpa Kendra i.e. KBSK the organization, petitioner No.2 has been established and registered on 27.09.1979 under the land Reforms Department Vide Record No. 95558, L.R. Birbhum dated 03.09.1979 having its Registered Office giving in the cause title hereof for implementation of 20 points programme of the Govt. of India.

A copy of the said registration dated 27.09.1979 is annexed herewith and marked as Annexure "P-1".

2. The petitioner no.1 is the Secretary elected by the Board of Members of the Organisation having the locustandi to represent the organization i.e. petitioner no.2, as and when required and has been required to do so by the resolution of the Board of Members of the Organisation.

Your petitioners crave leave to produce all the relevant papers and documents in support of the above statements at the time of hearing, if necessary.

3. The main object of the petitioner no.2 was to implement the 20 points programme of the Government of India in close collaboration with the Department of Agriculture and Rural Development for upliftment of the weaker section of the society and down trodden people of the rural sector of Bengal and it is carried out by the petitioners till date through the organization KBSK.

4. Time to time petitioner no.2 was appreciated and recommended by the office of the Prime Minister as well as the Govt. of India as a good organization and empowered to implement the 20 points programme in the State of West Bengal.

In support of the above statement letters dated 09.02.1982 and 16.04.1982 are annexed herewith and marked with letter "P-2" collectively.

5. On or about 06.05.1982 petitioner no. 2 Informed Prime Minister's Office when it was facing financial troubles for maintaining the office and day to day expenditure and honorarium to its workers for regularization of its workers . In reply to that vide its letter dated 22nd July 1982 the office of the Prime Minister intimated the petitioners to the effect that its workers would be absorbed afterwards.

Copy of the letters dated 06.05.1982 and 22.07.1982 and 17.11.1982 are annexed herewith and marked with letter "P-3".

6. Being inspired, the petitioner no.2 in the meantime opened its several branches and firms for spreading improved techniques of crop, animal husbandry ; family planning and family welfare and time to time intimated, the Prime Ministers Office about its functioning and activities for implementation of 20 point programme as formulated by the Government of India. The Prime Minister's office having forwarded the said letter of the petitioners to the Chief Secretary to the Government of West Bengal for appraisal and by taking appropriate action in the affairs and to render all possible assistance by the State Government in favour of petitioners.

Vide its letter dated 12.04.1982 the Government of West Bengal Agriculture Department deeply appreciated the interest and activities of petitioner no.2 and endorsed the copy of the said letter to the District Magistrate of Birbhum with a request to ensure to provide petitioner no.2 all sorts of assistance from the District Office to run the programme smoothly and fulfill the preconditions as prescribed as assistance.

7. Your petitioner no.2 used to keep close contact by informing the Prime Ministers office as well as to the Department of Agriculture Government of West Bengal about its progress of work for taking over and absorption of its workers. In response to that it was appreciated highly and intimated about consideration for taking over the firm in future by the Government.

In support of the above statements copies of the letter dated 08.03.1985, 18.04.1985 are annexed herewith and marked with the letter "P-4" collectively.

8. The Secretary to the Govt. of West Bengal Dr. P.V. Shenoi Vide its letter dated 23rd May 1985 forwarded an exhaustive report in the matter pointing out therein that the organization is running over 70 branch offices with more than 4200 workers who are performing this duties through petitioner no.2 and regretted that the Government of West Bengal could not take over the firm and expressed its regret that such workers ought to be regularized on sympathetic ground vide Memo no. F-2-57(4)82PMPI dated 22.07.82 as they were assured to be regularized as per empowerment of Prime Minister's office vide no. F-2-38(4)/82PHPI dated 16.04.1982 .

In support of the above statement copy of letter dated 23.05.1985 is annexed herewith and marked with the letter "P-5".

9. By virtue of 73 rd Constitutional Amendment Act 1993 the office of the Prime Minister vide his letter dated 1st March 2011 has been pleased to say that as the matter relates to 20 points programme which is now vested with the State Government, as such to pursue the matter with the Department

Accordingly, the representation of the petitioner no. 2 was forwarded to the Chief Secretary Government of West Bengal for taking necessary action.

Copy of the said letter dated 01.03.2011, 02.05.2011 are annexed herewith and marked with the letter "P-6".

It is pertinent to mention that the Ministry of Statistics and programme implementation (MOSPI) was set up on 15.10.1999 to monitor the 20 point programme in India.

10. The Assistant Secretary to the Govt. of West Bengal directed the Joint Secretary, Agriculture Department, Government of West Bengal to take immediate redressive action within 15 days from receipt of the communication dated 14.06.2011 and send the action taken report to the petitioner with an intimation to his department.

Copy of the said letter dated 14.06.2011 is annexed herewith and marked with "P-7".

11. The Government of India Ministry of Law and Justice vide its letter dated 17th June 2011 informed the petitioner no.1 that the subject matter now totally under the domain of the Department of Agriculture, Government of West Bengal for implementation of 20 points programme as such West Bengal Government is the appropriate authority to take appropriate steps in this regard.

Copy of the said letter dated 17.06.2011 is annexed herewith and marked as annexure "P-8".

12. Your petitioner no.1 left no stone unturned for getting an order for regularization of the workers. By letter dated 06.09.2011 the Assistant Secretary and SPIO of Chief Ministers office took initiatives and directed the Secretary Agricultural Department Government of West Bengal Writers Building Kolkata to wards implementation of the direction of the Hon'ble High Court dated 13.10.2009 within a period of 15 days and informing the action taken report to the incumbent.

A copy of the said letter dated 06.09.2011 is annexed herewith and marked as annexure "P-9".

13. Lastly the Department of Agriculture Government of West Bengal informed although the Government is very much desirous to do something in this matter but as there is no specific direction by the Hon'ble Court to the Department as such the Government is not under any obligation to implement the same and regretted.

14. In spite of repeated request and recommendations made by the Government of India Planning Commission, Section Officer of prime Minister's Office, Assistant Secretary to the Government of West Bengal, Governor's Secretariate Ministry of Statistic and Programme implementation (TTP) Division etc. the respondent authorities were very negligent to regularize the petitioner's organization for achieving the assured goal of the petitioners.

15. Your petitioners submit that the 4200 strong members as assured by the Government who are rendering voluntary services day and night for the development and improvement of Society i.e. petitioner no.2 with the hope

that they will be given the status of State Government undertaking, are violative of Article 23 and 21 of the Constitution of India.

16. Your petitioners submit that the petitioners are being deprived of the benefit of National Rural Employment Guarantee Act 2005 which provides 100 days of employment to one member of each house hold in the rural areas as they work day and night throughout the year among the backward section of society, implementing 20 points programme of the respondents without any remuneration and/or benefit.

17. Your petitioner lastly filed a writ petition being no. 4936 (W) of 2012 before Hon'ble High Court at Calcutta for redressal to the effect that the respondent authorities to forth with take necessary steps for taking over petitioners in terms of the report and recommendation of the Secretary to the Government of West Bengal Agriculture Department dated 23rd May, 1985. Your petitioner crave leave to refer the Writ Petition at the time of hearing if necessary. Then same was came up for hearing finally on 31.08.15. The Hon'ble Justice Arijit Banerjee and His Lordship was pleased to dispose of the same with a specific direction upon the Respondent no.2 i.e. the Department of Agriculture Government of West Bengal inter alia to consider petitioners representation dated 15.07.2011 in accordance with law by a reasoned order after giving an opportunity of hearing to the petitioner within a period of

two months from the date of communication of this order with a liberty to the petitioner to produce all the relevant documents and the authority should consider the same. The order passed by the respondent should be communicated to the petitioner within ten days from the date of the order.

A copy of the said order dated 31.08.2015 is annexed herewith and marked as annexure "P-10".

18. In compliance with the said order the Additional Secretary Agricultural Department , Governemnt of West Bengal upon hearing the parties passed a purported reasoned order being no. 256/L-67/II P=(1) dated 09.11.2015 and communicated the same to the all concern.

A copy of the said reason order dated 09.11.2015 is annexed herewith marked with the letter "P-11".

19. Your petitioners submit that the above purported reasoned order has been passed totally by non application of mind and without going through the relevant document specially the representation of the petitioners dated 15.07.2011 and letters of appreciation, recommendations time to time given by the high Government officials even from the Department itself in favour of the organization..

20. Your petitioners submit that while passing the purported reasoned order the Additional Secretary, Agricultural Department had a very limited scope to consider only the representation dated 15.07.2011 by the petitioners and to dispose it off but not beyond that. In the instant case it was considered otherwise which is not tenable in law.

21. Your petitioners submit that the respondent authorities failed to appreciate that the report and recommendation of the Secretary of the Govt. of West Bengal Agriculture Department dated 23.05.1985 was very specific with the observation that the works of organization KBSK have been worked as per empowerment of the Hon'ble Prime Minister's office (vide no. F-2-38(4)/82 PMPI dated 16.04.82 and they were assured that their workers would be regularized after words (vide no. F-2-57(4).82 PHPI dated 22.07.1982. Further more , it is proposed before the Govt. of West Bengal to take over the aforesaid 4200 Nos of workers of the organization at least on the sympathetic ground.

Therefore, by denying the petitioner's grievance in the proper perspective, the Additional Secretary has shown unreasonable attitude and that too in a cavalier manner.

22. Your petitioners submit that it is not correct to say that the organization is functioning without any authorization as such Government has no responsibility towards the employees of KBSK on the contrary it is right to say that since from the beginning i.e. from 1979 on the basis of recommendations and with the assurance and assistance of Government the petitioners' organization had been running the KBSK till date. Time to time the work of this organization was not only empowered but the execution of such trust was duly appreciated, encouraged and well recognized by the Government of India as well as by the State Government.

23. Your petitioners submit that denying the right of 4200 strong member of the organization who have been rendering their services day and night for the rural development and for the benefit of weaker section of the society is grossly violative of Article 23 of the Constitution of India and that too in a sphere of implementation of the Government Policy.

24. Your petitioners submit that the petitioners are also being deprived of the benefit of National Rural Employment Act 2005 which provides 100 days of employment to one member of each household in rural areas, as they work day and night throughout the year generation after generation among the

backward section of the society, for implementation of 20 points programme without any remuneration and benefit.

25. Your petitioners submit that Article 38, 41, 43, 46 and 48 of the Constitution of India seeking to establish a welfare state with social economic and political justice for all. But this dream will become shattered if the people living below poverty line including schedule caste, schedule tribe and other backward class are not brought into the social main stream through development. The petitioners are tirelessly toiling to achieve these object which in practice ought to be done by the respondents and the petitioners will not reach that goal until and unless they are not brought under the Ministry of Agriculture and Rural Development of Government of Agriculture and Rural Development of Government of West Bengal as per candid and clear assurance by the Government of India.

26. Your petitioners submit that they left no stone unturned to achieve their legitimate claim but due to non co-operation on the part of the respondents, despite receiving several representations and given assurances, authority turned down your petitioner's claim of taking over and regularization of workers namely Krishi Bikash Shilpa Kendra under the

Ministry of Agriculture and Rural Development of Government of West Bengal only with bias and ire.

27. Your petitioners submit that the claim of the petitioners are sound neutral and well defined by Government assurance of the technical and personal skills to implement Government Scheme which is binding nature already possessed by the workers of Krishi Bikash Shilpa Kendra have been well tested and appreciated.

28. Your petitioners submit that by refusing or rejecting your petitioners' claim by its order dated 09.11.2015 the respondent authority i.e. Ministry of Agriculture and Rural Development of Government of West Bengal is acted illegally, whimsically, capriciously and against the provisions of law of the land and as well as contrary to the principals of natural justice and fair play and also contrary to the principles of promissory estoppel from departing from their promises to absorb your petitioners on the following amongst others –

GROUND

- I. For that the above purported reasoned order has been passed totally by non application of mind and without going through the relevant

document specially the representation of the petitioners dated 15.07.2011 and letters of appreciation, recommendations time to time given by the high officials in favour of the organization and assurance by virtue of which 4200 workers of KBSK are rendering this services voluntarily so long with the hope that they will be absorbed by the State Government.

- II. For that while passing the purported reasoned order the Additional Secretary Agricultural Department had a very limited scope to consider only the representation dated 15.07.2011 by the petitioners and to dispose it off but it was considered otherwise which is not tenable in law.
- III. For that the respondent authorities failed to appreciate that the report and recommendation of the Secretary of the Govt. of West Bengal Agriculture Department dated 23.05.1985 was very specific with the observation that the works of organization KBSK have been worked as per empowerment of the Hon'ble Prime Minister's office (vide no. F-2-38(4)/82 PMPI dated 16.04.82 and they were assured that their workers would be regularized after wards (vide no. F-2-57(4).82 PHPI dated 22.07.1982. Further more, it is proposed before the Govt. of West Bengal

to take over the aforesaid 4200 Nos of workers of the organization at least on the sympathetic ground. Therefore by denying the petitioner's grievance in the proper perspective the Additional Secretary has shown and that to cavalier.

IV. For that it is not correct to say that the organization is functioning without any authorization as such Government has no responsibility towards the employees of KBSK on the contrary it is right to say that since from the beginning i.e. from 1979 only on the basis of recommendations and with the assurance and assistance of Government the petitioners' organization had been running the KBSK till date. Time to time the work of this organization was not only empowered but the execution of such trust was duly recognized, appreciated and encouraged by the Government of India as well as by the State Government.

V. For that by denying the right of 2450 strong member of the organization who have been rendering their services are working day and night voluntarily for the rural development and for the benefit of weaker section of the society is grossly violative of Article 23 of the Constitution of India and that too in a sphere of implementation of the Government Policy.

- VI. For that the petitioners are also being deprived of the benefit of National Rural Employment Act 2005 which provides 100 days of employment to one member of each household in rural areas, as they work day and night throughout the year among the backward section of the society, for implementation of 20 points programme without any remuneration and benefit.
- VII. For that Article 38, 41, 43, 46 and 48 of the Constitution of India seeking to establish a welfare state with social economic and political justice for all. But this dream will become shattered if the people living below poverty line including schedule caste, schedule tribe and other backward class are not brought into the social main stream through development. The petitioners are tirelessly toiling to achieve these object which in practice ought to be done by the respondents and the petitioners will not reach that goal until and unless they are not brought under the Ministry of Agriculture and Rural Development of Government of Agriculture and Rural Development of Government of West Bengal as per candid and clear assurance by the Government of India.

- VIII. For that they left no stone unturned to achieve their legitimate claim but due to non co-operation on the part of the respondents despite receiving several representations and given assurances turned down your petitioner's claim of taking over and regularization of workers namely Krishi Bikash Shilpa Kendra under the Ministry of Agriculture and Rural Development of Government of West Bengal only with bias and ire.
- IX. For that the claim of the petitioners are sound, rational and well defined by Government assurance of the technical and personal skills to implement Government Scheme which binding nature already possessed by the workers of Krishi Bikash Shilpa Kendra have been well tested.
- X. For that by refusing or rejecting your petitioner claim by the purported order dated 09.11.2015 the respondent authority has acted illegally whimsically, capriciously and against the provisions of law of the land as well as contrary to the principals of natural justice and fair play and also contrary to the principles of promissory estoppel from depating from their promises to absorb your petitioners.

30. There is no other efficacious alternative legal remedy than to move this application before this Hon'ble Court under its constitutional writ jurisdiction and the relief sought for herein if granted will afford justice to the petitioner.

31. Your petitioners state that in the facts and the circumstances of the case the justice was demanded but the same has been refused.

32. On the self same cause of action and relief no application has been moved before this Hon'ble Court or any other forum save and except as disclosed above.

33. The records of the case are lying with the respondent authorities within the appellate side jurisdiction of this Hon'ble Court.

34. The balance of convenience and inconvenient of the case is in favour of the petitioners for passing the order as prayed herein.

35. The application is made bonafide and for the ends of justice.

In the facts and circumstances as disclosed hereinabove your petitioners

most humbly pray that Your Lordships may graciously be pleased to issue :

- a) A writ of or in the nature of Mandamus commanding the respondent authorities to forthwith take necessary steps in terms of the report and recommendation of Dr. P.V. Shenoi, the Secretary to the Government of West Bengal, Agriculture Department dated 23rd May, 1985 being Annexed P-10 to this writ application.
- b) A writ of or in the nature of Mandamus directing the respondent authorities to forthwith comply with the recommendations of Shenoi report in the matter of taking over Krishi Bikash Shilpa Kendra as well as for absorption of its of more than 4200 workers.

c) A writ of or in the nature of Mandamus commanding the concerned respondent to forthwith recall rescind and/or set aside the purported Reasoned Order being no. 256/L-67/11(pt-1) dated 09.11.2015 passed by the Additional Secretary, Agriculture Department, Government of West Bengal;

d) A writ of a in the nature of Certiorari directing the respondent authorities to forthwith certify, and transmit, produce all the relevant records of the case before this Hon'ble Court so that perusing the same and hearing the parties conscionable justice may be rendered to the petitioners.

e) Rule NISI in terms of prayer (a) to

K.G. (4) as above.

- f) Ad-interim order directing the respondent authorities from taking steps no cognizance and/or on the basis of the purported reasons order being Annexure "P-11" to the application till disposal of the Rule.
- g) Ad-interim order as in prayer (h) hereinabove.
- h) Any other order/orders and/or direction or directions as to your Lordships deem fit and proper.
- i) Cost of and/or incidental to this petition.

And your petitioners as in duty bound shall ever pray.

I certify that the petitioner no.1 has been duly authorized to affirm and sign this affidavit on behalf of the petitioner no.2.

K. Anali Ghosh
Advocate

AFFIDAVIT

I, Sri Amar Dam, son of Sri Shankar Dam, aged about 37 years, by faith - Hindu, by Occupation - Social Worker, residing at 19/2B, Karbala Road, Record Room, P.O. Cossimbazar, P. S. Berhampore, District - Murshidabad, do hereby solemnly affirm and say as follows :-

1. That I am the Secretary of Krishi Bikash Shilpa Kendra, the Petitioner No.2 herein and Petitioner No.1 in the instant writ application and as such I am well acquainted with the facts and circumstances of this case.
2. That the statements made in paragraphs 1 to 15, 17 & 18 are my information derived from the records and/or source which I verily believe to true and which are made in paragraphs 19 and 28 my respectful submissions before this Hon'ble Court.

Prepared in my office.

Karabi Ghosh.
Advocate.

Sr Amar Dam,
The deponent is known to me.

Sr. Chandralekha Prasad -
Clerk to : Mr. R. M.

Advocate.

Solemnly affirmed before me on this

The 25th day of February, 2016.

Commissioner.

All annexure are legible.

Karabi Ghosh.
Advocate

-27-
- 3 -

Annexure - P₁

TRUE COPY

P. L. Aich

GOVERNMENT OF WEST BENGAL
OFFICE OF THE COLLECTOR OF BIRBHUM
(SPECIAL L. A. DEPARTMENT)
P.O.-SURI, DISTRICT-Birbhum

To
Shri Atul Kumar Chakraborty
General Director
Krishi Bikash Shilpa Kendra
Sainthia, Dist.-Birbhum.

Dated : the 27th Sept. '79.

Sir,

The additional District Magistrate (L. R) and Collector of Birbhum has directed me to send a reply to your letter of 15th June, 1979 which has been forwarded by the office of the District Magistrate and Collector of Birbhum for appropriate action by the District Authority. In the letter you are seeking identity crisis under the Land Area Jurisdiction of his honour and financial assistance to perform the various activities in pursuance of the 20-points Programme introduced by the Govt. of India. You are informed that your Organization Krishi Bikash Shilpa Kendra has been recorded under this Land Reform Department and the Record No. is 95558 L. R. Birbhum, dated 03/9/1979 and we are asking the various District and Block level authorities to assist you under various kinds of assistance, such as IRDP, NREP, RLEGP, seeds of higher yielding varieties and other projects etc. so that, the workers can get assistances.

Yours faithfully,
Sd/-
Special L. A. Collector
Birbhum

28

- 12 - 12 -

Annexure- P₂"

TRUE COPY

प्रधान मंत्री कार्यालय
PRIME MINISTER'S OFFICE
No.- F-2-13(4)82- PMPI

नई दिल्ली - ११००११

NEW DELHI-110011

9-2-82

Dear Sir,

I have been asked to acknowledge the receipt of your letter Vide No. NTPP/P/36/82-83, dated the 7th January, 1982, which was presented in this office and to inform you that as per the performances of activities your organisation is being appreciated as a good organization to implement the 20-points Programmes in the State of West Bengal.

Yours faithfully,
Sd/-
(R. K. SHARMA)
Section Officer

Shri Atul Kumar Chakraborty
General Director
Krishi Bikash Shilpa Kendra
Berhampore, Indraprastha
P.O. : Khagra, Murshidabad
West Bengal.

~~50-52~~ Annexure
- 29 -

TRUE COPY

PRIME MINISTER'S OFFICE

F-2 -38 (4) 82-PMPI

New Delhi- 110011

16-04-82

Sir,

I have been asked to acknowledge the receipt of your letter, vide NO. NTPP/P/43/82-83 dated the 18th February 1982 which was presented in this office and to inform you that as per performance of activities your organization is being empowered to implement the 20-Points programme in the State of West Bengal.

Your faithfully

Sd/-

(R.K SHARMA)

Section Officer

To
Shri Atul Kumar Chakraborty
General Director / President
Krishi Bikash Silpa Kendra
Berhampore, Indraprastha
P.O Khagra, Murshidabad
West Bengal.

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" Annexure - B3 "

TRUE COPY

No-F-2-57(4)82-PMPI
प्रधान मंत्री कार्यालय
PRIME MINISTER OFFICE

नई दिल्ली - ११००११
NEW DELHI-110011
22-7-82

Dear Sir,

I have been asked to acknowledge the receipt of your letter Vide No. NTPP/P/51/82-83, dated the 6th May, 1982, which was presented in this office and the matter of Regularization of the workers of Krishi Bikash Shilpa Kendra would be subsumed afterwards.

Yours faithfully,

Sd/-

(R. K. SHARMA)
Section Officer

Shri Atul Kumar Chakraborty
General Director/ President
Krishi Bikash Shilpa Kendra
Berhampore, Indraprastha
P.O. : Khagra, Murshidabad
West Bengal.

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TRUE COPY

Assessment - 11

No. 33(10) / 82-PMPI

प्रधान मंत्री कार्यालय
PRIME MINISTER'S OFFICE

नई दिल्ली - ११००११
NEW DELHI-110011
17-11-82

Dear Sir,

I have been asked to acknowledge the receipt of your letter Vide No. NTPP/P/73/82-83, dated the 9th Sept. 1982, which was presented in this office regarding the regularization of your firm in pursuance of the implementation of 20- Points Programme introduced by the Govt. of India, and to inform you that the matter has been forwarded to the Chief Secretary Govt. of West Bengal for suitable action.

Yours faithfully,

Sd/-

(R. K. SHARMA)

Section Officer

To
Shri Atul Kumar Chakraborty
Krishi Bikash Shilpa Kendra
P.O. Sainthia, Distt. Birbhum
West Bengal.

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-53-53-

Amesure - P₄

TRUE COPY

Dr. P. V. Shenoi

SECRETARY
AGRICULTURE DEPARTMENT
GOVERNMENT OF WEST BENGAL
WRITERS' BUILDING
CALCUTTA-1

NO. 183 / Secy

Dated the 8th March, '85

To
Shri Atul Kumar Chakraborty
General Director
Krishi Bikash Shilpa Kendra
Sainthia, Dist.-Birbhum.

Sir

I am directed to refer to your letter dated 8.2.85 to the Chief Secretary seeking information on the assistance to be given to weaker section in pursuance of the 20-Points Programme introduced by the Govt. of India. You are requested to kindly advise the applicants for various local authorities like the District Magistrate, the Principal Agriculture Officer, the Block Development Officer so that they can get necessary assistance under schemes like Integrated Rural Development, National Rural Employment Project, Provision of seeds and other inputs etc.

Yours faithfully

Sd/-

(P.V. Shenoi)

The Secretary to the Govt. of
West Bengal

33-
TRUE COPY

Dr. P. V. Shenoi

SECRETARY
AGRICULTURE DEPARTMENT
GOVERNMENT OF WEST BENGAL
WRITERS' BUILDING
CALCUTTA-1

NO. 297 / Secy

Dated The 18th April '85

To
Shri A. K. Chakraborty
General Director
Krishi Bikash Shilpa Kendra
Sainthia, Dist.-Birbhum.

Sir

The Chief Secretary has asked me to send a reply in your letter of 15.02.85 which has been forwarded by the office of the Prime Minister for appropriate action by the State Government.

It has been reported that you have a Registered office at Sainthia and you have taken proposal for set up another 75 branch farms in different parts of West Bengal and trying implement various programmes in Agriculture and Rural Sector under the 20-points programmes parallel to the govt. of West Bengal.

I am endorsing a copy of this letter to the District Magistrates of Birbhum, Burdwan, Murshidabad, Nadia etc. and other authorities to give assistance under various programmes like Bio-gas plant, Community Irrigation System, Family-welfare, family-planning, birth control, animal husbandry, cultivation and harvesting Scientifically, use of Seeds of higher yielding variety, IRDP, RLEGP, NREP etc.

Your performances in Rural Development under 20-points Programmes is deeply appreciated by the Govt. and considering for taking over your farm in future.

Yours faithfully
Sd/-
(P.V. Shenoi)
The Secretary to the Govt. of
West Bengal

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- 54 -

Amended - 12

TRUE COPY

Government of West Bengal

Agriculture Department

..... Branch

No. 164 / Secy

Dated Calcutta. The 12 th April, 1982

From :- P.V.Shenoi
Secretary to the Govt. of West Bengal.
To :- Shri Atul Kumar Chakraborty
Director, Krishi Bikash Shilpa Kendra,
Sainthia, Birbhum

Dear Sir,

The Chief Secretary has asked me to send a reply to your letter of 18.2.82, which has been forwarded by the office of the Prime Minister for appropriate action by the State Government.

It appears that you have already set up a farm at Sainthia and you propose to set up 13 branch farms for spreading improved techniques of Crop and animal husbandry & family planning & family welfare. Your interest in rural development is deeply appreciated.

I am endorsing a copy of this letter to the District Magistrate of Birbhum with a request to ensure that your farm gets all assistance from the District Offices of Agriculture, Animal Husbandry & other Departments and also from Banks provided your projects fulfill the preconditions prescribed for assistance. It is regretted that the Govt. can not take over your farm.

Yours faithfully,

Sd/-

P.V. Shenoi

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TRUE COPY

Dr. P. V. Shenoi

Annexure - P5
SECRETARY
AGRICULTURE DEPARTMENT
GOVERNMENT OF WEST BENGAL
WRITERS' BUILDING
CALCUTTA - 1

No. 343/Secy

To
Shri Atul Kumar Chakraborty
The General Director,
Krishi Bikash Shilpa Kendra
P.O.-Sainthia, Dist. Birbhum
West Bengal

Sir,

The Chief Secretary has directed me to prepare a report and to send a reply to your letter vide No. NTPP/P/58/84-85, dated 26.03.1985 which has been forwarded by the Prime Minister's Office regarding take over of staff of Krishi Bikash Shilpa Kendra in the District of Birbhum, West Bengal which is implementing the 20-Points Programme with 93 branch offices and more than 4200 Workers in the different parts of West Bengal in Rural Sector, whose Registered Office at Sainthia and whose Record No. is 95558 L.R. Birbhum, dated the 3rd September, 1979. In your above application you had sent attested copies of the following Records and Documents in support of your demand and prayer :-

- 1) Certificate of Record of the Organisation issued by the Land Reforms Department of Birbhum and the No. is 95558 L.R. Birbhum dated the 3rd September, 1979.
- 2) Aims and objectives of the Organisation at the time of Registration.
- 3) Letter from Mr. S.K. Verma, the petition office, Prime Minister's office addressed to the Chief Secretary Govt. of West Bengal.
- 4) Letter from Mr. S.K. Verma, the petition officer, Prime Minister's office addressed to the Chief Secretary Govt. of West Bengal vide No. 41/5/81-PMPI, dated 26.11.81.
- 5) Letter from Mr. R. K. Sharma, the Section Office, Prime Minister's Office, New Delhi addressed to Mr. Atul Kumar Chakraborty, the General Director, Krishi Bikash Shilpa Kendra (K.B.S.K) Vide No. F-2-13(4)82 - PMPI, dated 09/02/82.
- 8) Letter from Mr. R.K.Sharma, the Section Office, Prime Minister's Office, New Delhi addressed to Mr. Atul Kumar Chakraborty, the General Director, of KBSK, Vide No. F-2-38 (4)82 - PMPI, dated 16.04.82.

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TRUE COPY

Dr. P. V. Shenoi

Amesure-
SECRETARY
AGRICULTURE DEPARTMENT
GOVERNMENT OF WEST BENGAL
WRITERS' BUILDING
CALCUTTA - 1

No. 343/Secy

Dated the 23rd May '85

-:2:-

- 7) Letter from Mr. R.K.Sharma, the Section Office, Prime Minister's Office, New Delhi, addressed to Mr. A. K. Chakraborty, the General Director, of KBSK, Vide No. F-2-57 (4)82-PMPI, dated 22.7.82.
- 8) Letter from Mrs. Rajendra Kumari Bajpai, the President of AICC addressed to Mr. P.K. Mukherjee, the Finance Minister, Govt. of India Vide No. C-5/RKB/12278, dated 6.11.82.
- 9) Letter from Dr. P. V. Shenoi, the Secretary, Agriculture Department, Govt. of West Bengal addressed to Mr. A. K. Chakraborty, the General Director, KBSK, Vide No. 164/Secy, Dated 12.04.82.
- 10) Letter from Mr. R.K.Sharma, the Section Officer, Prime Minister's Office, New Delhi addressed to Mr. A. K. Chakraborty, the General Director, KBSK, Vide No. 33 (10)/82-PMPI, dated 17.11.1982.
- 11) Letter from Mr. K. J. Mathew, the Deputy Advisor (20 Pts.) Planning Commission, Govt. of India, addressed to Mr. A. K. Chakraborty, the General Director, KBSK, Vide No. 4(35)/82-TPP.
- 12) Letter from Mrs. Rajendra Kumari Bajpai, the Chairman of AICC, New Delhi, addressed to the Chief Secretary, Govt. of West Bengal vide No. C-5/RKB/14823, dated 13.1.1983.
- 13) Letter from Mrs. Rajendra Kumari Bajpai, the Chairman of AICC, New Delhi addressed to Mr. A. K. Chakraborty, the General Director, KBSK, Vide No. C-1/M/2369, dated 26.04.1983.
- 14) Letter from Mr. R. K. Mahajan, the the Deputy Advisor (20 Pts.), Planning Commission (20-Points Programme Cell) addressed to Mr. A. K. Chakraborty, the General Director, KBSK, Vide No 2(22)/85-TPP, Dated 24.1.85.
- 15) Letter from Dr. P. V. Shenoi, the Secretary, Agriculture Deptt., Govt. of West Bengal addressed to Mr. A. K. Chakraborty, the General Director of KBSK, Vide No. 183/Secy, Dated 8.3.85.
- 16) Letter from Dr. P. V. Shenoi, the Secretary, Agriculture Deptt., Govt. of West Bengal addressed to Mr. A. K. Chakraborty, the General Director of KBSK, Vide No. 297/Secy, Dated 18.4.85.
- 17) Annual Account and Audit Report, for the financial account and audit report, for the Financial Year 1984-85.

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TRUE COPY

Annexure - 1

No. 343/Secy.

Dated the 23rd May '85

- 3 -

- 18) Income-generating Scheme and asset revolving funds.
- 19) Bye-Laws Laws and Association of Memorandum of KBSK.

REPORT

It is observed that the submitted Records and documents in the office of the Hon'ble Prime Minister, Government of India, New Delhi to establish your grievance and prayer are verified and codified as :

- a) Record/Registration of the Organisation which is an arbitrarily necessary documents of an Organisation which issued by the Land Reform (L.R.) Department of District Birbhum and record No. is 95558 L.R. Birbhum, dated 3/9/1979.
- b) Mr. R.K.Sharma, the Section Officer, Prime Minister's Office, by three letters of Nos. F-2-13(4)82-PMPI, dated 09/02/82, F-2-38(4)82-PMPI, dated 16.04.82 and F-2-57(4)82-PMPI, dated 22.7.82, has been established the organization on firm base which are the organizational credential, appreciation and recommendation in support of the identity, empowerment to perform various activities and assurance of future Job prospectus.

In his three letters No. 164/Secy, Dated 12.04.82, 183/Secy, Dated 8.3.85., and 297/Secy, Dated 18.4.85 Letter from Dr. P. V. Shenoi, the Secretary, Agriculture Department, Writers' Building, Calcutta, has deeply appreciated the performance of activities by the organization and identified the various district and Block Level authorities for assistances to the workers.

Mr. S. K. Verma, the Petition Officer of the Prime Minister's Office by his two letters no 13.5.81 - PMPI, dated 20.8.81 and 41/5/81-PMPI, dated 26.11.81 and Mr. R.K.Sharma, the Section Officer, Prime Minister's Office, by his letter No.33 (10)/82-PMPI, dated 17.11.1982.

Mrs. Rajendra Kumari Bajpai, M.P. and the Chairman of AICC by her three letters No. C-5/RKB/12278, dated 6.11.82, C-5/RKB/14823, dated 13.1.1983 and C-1/M/2369, dated 26.04.1983 tried in many ways to provide financial assistances from Govt. of West Bengal or requesting to stop the aggressive attitude of the Police administration which are the wishful deeds and favourable appreciations of the authorities.

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TRUE COPY

Annexure - 1

Dr. P. V. Shenoi

SECRETARY
AGRICULTURE DEPARTMENT
GOVERNMENT OF WEST BENGAL
WRITERS' BUILDING
CALCUTTA - 1

No. 343/Secy

Dated the 23rd May '85

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c) Mr. R. K. Mahajan, the Deputy Advisor (20 Pts.), Planning Commission (20-Points Programme Cell), Govt. of India, New Delhi in his letter No. 2(22)/85-TPP, Dated 24.1.85 and in his letter No. 4(35)/82-TPP, dated 15.9.82, Mr K. J. Mathew, the Deputy Advisor (20 Pts) clearly stated that all sorts of decision-taking capability lies with the Govt. of West Bengal in pursuance of 20-Points programme implementation.

In case the Annual Accounts and Audit Reports - the various expenditures heads incongruent with some cases with the field works or projects implemented which are entered in the expenditure heads.

It is found that the Bye Laws law and Memorandum of Association of Krishi Bikash Shilpa Kendra (KBSK) which was submitted at the time of Record/Registration in the Land Reforms (L.R.) Department have been farrgineous to some extent.

On going through the Aims and Objectives, Project Proposal and present performances of activities of Krishi Bikash Shilpa Kendra, it have been thought that it were immaterial and exaggerated infacts and hence it were authorized the District Magistrate of Birbhum, Murshidabad, Malda, Burdwan and Nadia to report in details in search of truth.

As per the reports from the District Magistrates, it is disillusioned that the workers of KBSK are cultivating Rice, Wheat, Potatoes, Mustered Seed, Jute etc. by taking lands in contracts basis from the land owners in the ratio - 50% KBSK and 50% Owners of Land.

In some places they engaged in psicultures, some places Mango cultivation, some places in sericulture, horticulture, poultry, hand loom etc.

In this way they make some profits and by collecting money from the local doners they give some honorarium to their workers, organize small agricultural fair exhibition, seminer, workshop etc., some times give tailoring machine and stretchers to the needful, supplying smokeless chullah to save fuel etc., they sink tube-well in some places for fresh drinking water and low cost latrine in backward area, they making school-addicted to the children, supplying books, slate etc. to the children of poor family, supplying iron tablets and Neutrious food to the pregnant women of the weaker sections, some time motivate the farmers to use the seeds of higher yielding variety and harvesting scientifically etc., producing Molasses etc. Plantation in vacate lands, Banks of tanks and canals, sides of roads etc. to balance the environment and Eco-Svstem. they organize Blood Donation Camps.

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TRUE COPY

Dr. P. V. Shenoi

SECRETARY
AGRICULTURE DEPARTMENT
GOVERNMENT OF WEST BENGAL
WRITERS' BUILDING
CALCUTTA - 1

No. 343/Secy

Dated the 23rd May '85

--: 5:--

Various social awareness Camps, such as dowry & witch system etc.

It may be pointed out here that the ascertained facts and collected reports from Various District and the Demand and Prayer of the petitioner which was made before the Prime Minister's Office are not symmetrical to each other.

They have claimed more than 4200 workers are engaged in 93 branch offices to implement the 20- Points Programme is not a true fact. The real fact is that only 70 branch offices are running presently and at some where 33 workers, anywhere 35 workers again somewhere 37 workers are continuing their offices. So total 2450 Nos. of workers are performing their duties presently in various offices.

In the primary stage they were running 93 branch offices, but they were not able to maintain the momentum.

Lastly, it is regretted that the Govt. of West Bengal can not take over your farm/organization but the workers who are involved and delivered their service to implement the various State and National programme in the field of Rural & Agriculture field ought to be thought by the Government, because they have been worked as per the empowerment of the Hon'ble Prime Minister's Office (Vide no. F-2-38(4)/82-PMPI, dated 16.04.82) and they were assured that their workers would be Regularized afterwards (Vide no. F-2-57(4)/82-PMPI, dated 22.7.82). it is proposed before the Govt. of West Bengal, the aforesaid 2450 Nos. of Workers of the farm/ organization to take over in the sympathetic ground.

Yours faithfully,
Sd/-
(P.V.Shenoi)
Secretary to the Govt. of
West Bengal

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TRUE COPY
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Annexure P. 6

प्रधान मंत्री कार्यालय
PRIME MINISTER'S OFFICE

नई दिल्ली - ११०१०१
New Delhi - 1110101

Dated : the 1st March, 2011

To

**Shri Amar Dam, National Director
Krishi Bikash Shilpa Kendra
19/2B. Karbala Road (Record Room)
P.O.-Cossimbazar, P.S.- Berhampore
Distt- Murshidabad, West Bengal-
Pin-742102**

Sub : Absorption of Staff of Krishi Bikash Shilpa Kendra in
the Distt. of Birbhum, West Bengal, the only 20- Points
Programme Implementing Organization.

Sir,

I have been asked to acknowledge the receipt of your letters Vide No. KBSK/A-1/NBD/121/2010- 2011 & KBSK/A-1/NBD/122/2010-2011, dated 11.1.2011 & 24.01.11 respectively from Shri Amar Dam, National Director, Krishi Bikash Shilpa Kendra which were received in Public Wing on 18.1.2011 & 1.2.2011. On going through the content of your letters I find that the matter related for implementation of 20- Points Programme which is the responsibility of the State Government and hence you are requested to pursue the matter with the Deptt. Of Agriculture, Govt. of West Bengal in all matters regarding grievance redressal as because the action on part of this office has been completed.

(Amar Dass)
Section Officer
1. 03. 2011

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TRUE COPY
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PRESIDENT'S SECRETARIAT
Rastrapati Bhavan
New Delhi
OFFICE OF THE APPELLATE AUTHORITY
U/s 19(1) of the Right to Information Act 2005

ORDER

A-27011/1149/06-RTLA (AA)

02nd May, 2011

This Order disposes of the appeal dated 28.03.2011 received on 05.04.2011 from Shri Amar Dam, National Director, Krishi Bikash Shilpa Kendra, R/O-19/2 B Karbala Road, Record Room P.O.- Cossimbazar, P.S.-Berhampore, Distt.-Murshidabad, - 742102(West Bengal). On going through the appeal, I find that appellant had filed and RTI Application date 14.2.2011 and sought the action taken report on his petitions. A reply date 24.1.2011 and 16.3.2011 informing him that the petition were transferred to the Chief Secretary, Govt. of West Bengal for necessary action, was given by the CPIO, President's Secretariat. The appellant was also advised to take up the matter directly with the Deptt. of Agriculture, Govt. of West Bengal for redressal of his grievances.

Now in his present appeal the appellant has stated that he has not received the request information from the Department of Agriculture, Govt. of West Bengal and therefore seeks intervention of this office for redressal of his grievance. Since the petition in the matter already stand transferred to the Deptt. of Agriculture, no further action under RTI Act can be taken in the matter by CPIO, President's Secretariat. The appellant is advised to pursue the matter with the Deptt. of Agriculture, Govt. of West Bengal under RTI Act, 2005. The appeal stand dismissed.

Sd/-
(Rasika Chaube)
Internal Finance Advisor &
Appellate Authority

Shri Amar Dam
National Board of Directors
Krishi Bikash Shilpa Kendra
19/2 B, Karbala Road - Record Room
PO-Cossimbazar, PS-Berhampore
Distt.-Murshidabad-742102 (WB)

Copy to : - CPIO, President's Secretariat. For information

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TRUE COPY

Amended 18

No. 4(35)/82-TPP
Ministry of Programme Implementation
(20-Points Programme Monitoring Division)

2nd. Floor, Sardar Patel Bhavan
Parliament Street, New Delhi
Dated the 15th September, 1982.

To

Shri A. K. Chakraborty
General Director
Krishi Bikash Shilpa Kendra
Record Office Sainthia, P.S.-Sainthia
P.O.- Sainthia, District.-Birbhum.

Sub : Your Representation No. GD/OP/57/82-83, dt. 14-8-82
addressed to the Prime Minister of India.

Sir,

I am directed to refer to the representation noted above and to state d to take necessary action to the matter. I may note that the implementation of the 20-Points Programme is the responsibility of the State Govt. As such, you May please pursue the matter with the Government of West Bengal.

Yours faithfully,

(K.J.Mathew)
Deputy Advisor (TPP)

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TRUE COPY

No. 2 (22) / 85-TPP
Government of India
Planning Commission
(20-Points Programme Cell)

Yojana Bhavan, Sansad Marg
New Delhi, the 24/25th, January, 1985

To
Shri A. K. Chakraborty
General Director
Krishi Bikash Shilpa Kendra
Sainthia, Birbhum (W.B)

Sir,

I am directed to acknowledge the receipt of your Memo. No. NTPP/P/28/84-85 dated the 10th January, 1985 addressed to the Minister of Planning. As already indicated, the implementation of schemes under 20-Points Programme is the responsibility of the State Government. Your communication referred to above has been forwarded to the Government of West Bengal for appropriate action.

Yours faithfully,

Sd/-

(R. K. Mahajan)

Deputy Advisor (20-Pts.)

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TRUE COPY

Annexure - P9

GOVERNMENT OF WEST BENGAL
DEPARTMENT OF PERSONNEL & ADMINISTRATIVE REFORMS
ADMINISTRATIVE REFORMS CELL

No. 558-PAR(AR)/O/4G-13/10

Dated, Kolkata, the 14th June, 2011

From: Shri A. N. Das
Assistant Secretary & State Public Information Officer
Government of West Bengal
P & A R Department

To: The Joint Secretary to the Government of West Bengal
Agriculture Department,
Writers' Building, Kolkata-700 001.

Subject : Absorption of staff of Krishi Bikash Shilpa Kendra in the District of Birbhum, West Bengal.

Sir,

I am directed to forward herewith a letter from President's Secretariat's vide No. P2-F/15031110043 dated 15.3.11 containing a petition of Sri Amar Dam of Murshidabad regarding the above subject for your information & necessary action.

You are, therefore, requested kindly to take an immediate redressive action within 15 (fifteen) days after the receipt of his letter & kindly send the action taken report to the petitioner with an intimation to this Department.

Enclo : As stated above

Yours faithfully

Sd/-

Assistant Secretary to the Govt. of West Bengal

No. 558-PAR(AR)

Dated : Kolkata, the 14th June, 2011

Copy forwarded for information and necessary action to:

1. Shri Amar Dam, 19/2/B, Karbala Road (Record Room),
P.O.-Cossimbazar, P.S.-Berhampore, Murshidabad, PIN--742102.
With reference to his grievance petition dated 24.1.11 with the request to pursue the matter with the above addressee, if necessary.
2. K.C. Jayaranjan, Addl. Comptroller, President's Secretariat, (Public Section),
Rastrapati Bhavan, New Delhi 110004.
This is an acknowledgement receipt in reference to his Memo No. P2-F/ 1503110043 dated 15.3.11

Sd/-

Assistant Secretary to the Govt. of West Bengal

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TRUE COPY

Annexure R.8

F.No. 5(72)/2011-RTI
Government of India
Ministry of Law and Justice
Legislative Department
RTI Cell

New Delhi, the 17th June, 2011

To

Shri Amar Dam
Member of the National Board of Directors
Krishi Bikash Shilpa Kendra
19/2 B, Karbala Road (Record Room)
PO-Cossimbazar, PS-Berhampore
Distt.-Murshidabad-742102 (WB)

Sir,

Please refer to the RTI application 23/05/2011 of Shri Amar Dam (Received in this Department on 20/04/2011) dated 26/04/11- (Received in this Department on 27/05/11) seeking information under the RTI act, 2005, the office MLJ has stated that no action can be taken by this Ministry as the subject matter pertains to the Department of Agriculture, Govt. of West Bengal. Any implementation of the 20- points Programme falls in the domain of the above Department and no directions/ advice can be given by the ministry.

Sd/-
(Jose Thomas)
Deputy Secretary & SPIO

Note:

Dr. Sanjay Singh, Joint Secretary, Legislative Department, Ministry of Law & Justice, Room no. 432'A' Wing, 4th Floor, Shastri Bhavan, New Delhi-110001 is the 1st Appellate Authority, for filling the first appeal, if any.

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True Copy

Amersing - Pg.

Government of West Bengal
Chief Minister's office
Writer's Buildings, Block- F, 1st Floor
Kolkata-700001

No. RTI/96/2011/1096/CMO

Dated: 06.09.2011

From : Shri Vivekananda Mondal, Assistant Secretary & SPIO
Chief Minister's office, Government of West Bengal
Writer's Buildings, Kolkata- 700001

To : The Secretary,
Department of Agriculture
Govt. Of West Bengal

Sub: Information sought for under RTI act, 2005 by Shri Amar Dam, the Secretary of Krishi Bikash shilpa Kendra of 19/2B, Karbala road, P.O. Cossimbazar, P.S. Berhampore, Dist. Murshidabad

Sir,

In sending here with the photo.copies of application along with the enclosure on the subject noted above, I am directed to take initiatives towards the implementation of the Direction of the Hon'ble High Court in Calcutta in W.P. No. 18177(W) of 2009, ordered on 13.10.2009 as contained therein. action taken report may kindly be intimated to the incumbent in the matter within a period of fifteen days with a copy to this Department.

As the matter concerns with the RTI, 2005, this may be treated as urgent.

Yours faithfully,
Sd/-
Assistant Secretary
& SPIO
Chief Minister's Office

No. RTI/96/2011/1096/1-CMO

Dated: 06.09.2011

Copy forwarded for information to Shri Amar Dam, the Secretary of Krishi Bikash Shilpa Kendra of 19/2B, Karbala road, P.O. Cossimbazar, P.S. Berhampore, Dist. Murshidabad and he is advised to contact with the Deptt. concerned for further correspondence.

Sd/-
Assistant Secretary
& SPIO
Chief Minister's office

Through
Mr. S. S. Chakrabarti
Advocate

DISTRICT: BURBHUM

IN THE HIGH COURT AT CALCUTTA

CONSTITUTIONAL WRIT JURISDICTION

APPELLATE SIDE

W.P. NO. 4936W OF 2012

In the matter of:

An application under Article 226 of the
Constitution of India;

And

In the matter of:

An application for issuance of a writ or
writs in the nature of Mandamus;

And

In the matter of:

An application for issuance of a writ or
writs in the nature of Certiorari;

And

In the matter of:

An application for issuance of any
other writ or writs, direction or
directions and/or order or orders;

And

In the matter of:

Article 14 and 21 read with Articles 38,
41, 43 and 48 of the Constitution of
India;

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08/9/15

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- And -

In the matter of :

Implementation of Krishi Bikash Shilpa Kendra (KBSK), the only 20 Points Programme implementing organization in the State of West Bengal ;

- And -

In the matter of :

Inaction and/or non-action on the part of the respondent authorities for taking over and/or absorption of the workers of the organization in spite of lot of orders and praiseworthy credential for the same by the Government of West Bengal ;

- And -

In the matter of :

Inaction and/or non-action on the part of the Government of West Bengal for compliance of the repeated directions from the office of the Hon'ble Prime Minister in pursuance of implementation of 20 Points Programme in favour of KBSK by the Government of West Bengal.

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[Signature]
08/9/15

- And -

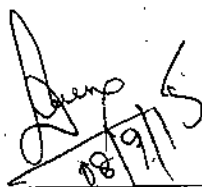
In the matter of :

Non-action and/or inaction on the part of the respondents for absorption and/or taking over the workers of the KBSK on sympathetic ground as per office Memorandum, Report, Proposal and Recommendation by Dr. P.V. Senoy, Secretary, Agriculture Department, Government of West Bengal '

- And-

In the matter of :

Non-compliance of the orders dated 05.08.2003 and 23.11.2004 as passed by the Hon'ble High Court at Calcutta respectively in W.P. No. 10723 (W) of 2003 and W.P. No. 17838 (W) of 2004 directing the respondents to pass a reasoned order after a fresh consideration of the prayer of the petitioner for absorption of its workers ;


18/9/15

- And -


In the matter of :

Tactful by-pass of the order dated 13.10.2009 as passed by the Hon'ble High Court at Calcutta in W.P. No. 18177 (W) of 2009 in terms of the Hon'ble Supreme Court's order dated 17.04.2009 in the WP No. 150 (Civil) of 2009 on a plea of constitutional disadvantage as per 73rd Amendment Act ;

- And -

In the matter of :

An illegal pass-way of the matter for absorption of more than 4200 workers of the KBSK by the Joint Secretary, Agriculture Department, Government of West Bengal, although he was directed by the Assistant Secretary to the Government of West Bengal as per a direction of the President's Secretariat, Rastrapati Bhavan, New Delhi to take an immediate redressive action within a period of 15 days from the date of receipt thereof ;


18/9/15

- And -

In the matter of :

Inaction and/or non-action on the part of the respondent authorities to take implementation of the matter of absorption of the of more than 4200 workers of KBSK in spite of a clear pointing out by the Planning Commission, Government of India, the Section Officer, Prime Minister's Office dated 01.03.2011, the Assistant Secretary to the Government of West Bengal, from the Governor's Secretariat to the Government of West Bengal, the Director, Ministry of Statistics and Programme Implementation (TPP) Division, Government of India from the Internal Financial Advisory Committee, the Appellate Authority, the President's Secretariat, Rastrapati Bhawan, New Delhi, from the Deputy Secretary and CPIO, Ministry of Law, Justice and Legislative Department, Government of India for taking all sorts of measures for absorption of the workers of KBSK in pursuance of the 20 Points Programme stand for the State Government ;

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[Signature]
08/9/15

- And -

In the matter of :

1. SRI AMAR DAM, son of Shankar Dam,
the Secretary of Krishi Bikash Shilpa Kendra,
19/2B, Karbala Road, Record Room, P.O.
Cossimbazar, P.S. Berhampore, District-
Murshidabad, Pin : 742102.

2. KRISHI BIKASH SHILPA KENDRA
having its registered office at Sainthia at P.O.
and P.S. Sainthia, District - Birbhum, West
Bengal, represented by Sri Amar Dam, the
Secretary of the Petitioner No.2.

..... Petitioners.

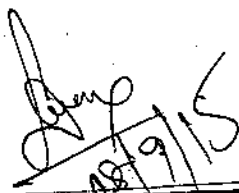
- Versus -

1. THE STATE OF WEST BENGAL,

Through the Secretary, Agriculture
Department, Government of West Bengal,
Writers' Buildings, Kolkata - 700 001.

2. THE JOINT SECRETARY,

Agriculture Department, Government of West
Bengal, Writers' Buildings, Kolkata 700 001.



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3. THE SECRETARY, Department of Finance, Government of West Bengal, Writers' Buildings, Kolkata 700 001.

4. THE ASSISTANT SECRETARY, Government of West Bengal, Personnel and Administrative Reforms Department, Writers' Buildings, Kolkata - 700 001.

5. THE SECRETARY, Department of Panchayat and Local Panchayat Bhavan, Self Government, 1, Kiran Sankar Roy Road, Kolkata - 700 001.

6. THE SECRETARY, Department of Agriculture and Co-operation, Krishi Bhawan, Rafi Marg, New Delhi - 110 001.

..... Respondents

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08/9/15

M. 10

Noting by Office or Advocate	Serial No.	Date	Office notes, reports, Orders or proceedings with signature
		s/l. 19 31.08.2015. pk	<p>W. P. 4936 (W) of 2012</p> <p>Ms. Karabi Ghosh ... for the petitioners.</p> <p>Mr. Sadananda Ganguly ... for the State.</p> <p>Heard the learned counsel for the parties. The writ petitioners seek a writ of mandamus commanding the respondent authorities to take steps for absorbing the petitioners in their employment in terms of ^{the} report and recommendation of the Secretary to the Government of West Bengal, Agriculture Department dated <u>May 23, 1985</u>, and also for a direction on the respondent authorities to consider the representations of the petitioners dated <u>24th January, 2011 and 15th July, 2011.</u></p> <p>Having heard the learned counsel for the parties, I am of the view that the interest of justice will be served and the grievance of the petitioners will be redressed if the respondent authorities are directed to consider and dispose of the representations of the petitioners within a specified period of time.</p> <p>Accordingly, the respondent no. 2 is directed to consider the representation of the petitioners dated <u>July 15, 2011</u>, which is annexure P-28 to the writ petition and dispose of the same in accordance with law by a reasoned order after giving an opportunity of hearing to</p>

[Signature]
08/9/15

NL 10 .

Noting by Office or Advocate	Serial No	Date	Office notes, reports, Orders or proceedings with signature
			<p>the petitioners within a period of <u>two months</u> from the date of communication of this order. At the time of hearing the petitioners will be at liberty to produce all relevant documents and the respondent no. 2 shall duly consider the same. The order passed by the respondent no. 2 should be communicated to the petitioners within ten days from the date of the order.</p> <p>Since it appears that the State respondents have not filed affidavit in opposition, the allegations contained in the petition shall be deemed not to be admitted.</p> <p>W. P. No. 4936 (W) of 2012 is, accordingly, disposed of. ✓</p> <p><i>Sd/ Arijit Banerjee - J</i> (Arijit Banerjee, J.)</p> <p><i>[Signature]</i> 08/9/15</p>

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1. Date of application for Certificate
2. Copy 03/09/2015
3. Date of notifying the charge 08/09/2015
4. Date of which the certified Xerox Copy was ready for delivery 08/09/2015
5. Date of making over the certified Xerox Copy of the application

Certified to be a true Copy
Soma Chakraborty
Assistant Registrar/Section Officer
High Court, Appellate Side Chennai
Authorised Under Section 76 of the
Indian Evidence Act, 1872
(Act 1 of 1872)
8/9/15

-57

Annexure - "P11"

GOVERNMENT OF WEST BENGAL
OFFICE OF THE PRINCIPAL SECRETARY
AGRICULTURE DEPARTMENT
WRITERS' BUILDINGS, KOLKATA

No.256 /L-67/11(pt-I)

Dated : 09.11.2015

Sub : Case No. WP-4936(W) of 2012 in the matter of Sri Amar Dam & Anr. -VS-
State of West Bengal & Ors.

ORDER.

WHEREAS, Krishi Bikash Silpa Kendra describes itself as the only organisation in West Bengal that started implementing Government of India's 20 point programme for agricultural and rural development. Their main demand is absorption of their more than 4200 workers by the government.

AND WHEREAS, a writ petition being W.P. No. 4936(W) of 2012 was filed in the High Court and moreover CAN 4111 of 2012 and also CAN 9263 of 2012 were made in connection with W.P. No. 4936(W) of 2012.

AND WHEREAS, in the writ petition it is stated that the case being W.P. No. 4936(W) of 2012 in the matter of Sri Amar Dam & Anr. -VS- State of West Bengal & Ors. has been filed against no-action on the part of the respondents for absorption of more than 4200 workers of KBSK in pursuance of the 20 points programme stand for the State Government.

AND WHEREAS, it is seen from the writ petitioner that the petition has represented before the Hon'ble Court to direct and/or order the respondents authorities for (i) granting financial assistance for implementation TTP in West Bengal (ii) absorption of more than 4200 workers of KBSK.

AND WHEREAS, in the order passed by the Hon'ble High Court dated.31.08. 2015 in W.P. No. 4936(W) of 2012 in the matter of Sri Amar Dam & Anr. -VS- State of West Bengal & Ors., it is directed to consider the report and recommendation of the Secretary to the Govt. of West Bengal, Agriculture Department, dated 23.05.1985 and the representations of the petitioners, dated 24.01.2011 and 15.07.2011 in accordance with law by a reasoned order after giving an opportunity of hearing to the petitioner within a period of two months from the date of communication of this order.

AND WHEREAS, in compliance with the said order dated.31.08.2015, Sri Amar Dam, Secretary of KBSK was requested to attend personally (or with his authorised representative, if desired) before the undersigned for hearing on 05.10.2015 vide this Deptt. Memo No.222/AG/O/L-67/11(Pt-I) dated. 24.09.2015.

AND WHEREAS, according to Order of the Hon'ble High Court dated. 31.08. 2015, the incumbent was not present on 05.10.2015 in the said hearing but his representative took part in the hearing(Attendance sheet enclosed).

AND WHEREAS, W.P. 17838(W) of 2004 and W.P(Civil) No.150 of 2009, were disposed off, by Hon'ble High Court at Calcutta and Supreme Court of India.

AND WHEREAS, it also appears from the order of the Govt. of India that Agriculture Department, Govt. of W.B. had passed a reasoned order vide No. 109/L-49/2004 dated 29.04.2005 stating that this Department has no role to play in the matter. This was quoted in the true copy of the order no. 2-46/2009-policy dated 19.05.2010 of the Govt. of India, Ministry of Agriculture, Department of Agriculture and Co-operation, Krishi Bhavan, New Delhi-11001

AND WHEREAS, Govt. of India issued an order vide No. 2-46/2009-policy dated 19.05.2010 dismissing all pleas and stated that such frivolous and vexatious litigation has led to wastage of considerable time, energy and resources of Government and went on further saying "the farcical nature of this organization is widely publicized so that simple persons are not taken into a ride under the belief that KBSK is a Government organization".

AND WHEREAS, with reference to this Department's letter no. 222/AG/O/L-67/11(Pt-I) dated. 24.09.2015, Sushila Ananth, Deputy Secretary to the Govt. of India, Department of Agriculture Cooperation and Farmers Welfare, informed vide his letter dated 07.10.2015 that the Ministry of Statistics and Programme Implementation which monitors Twenty Point Programme has clarified vide D.O. No. 1/8/2012-TPP dated 12.09.2012 that KBSK has not been authorized at any stage to implement the Twenty Point Programme or any part of it and appears to be no involvement of this Department in the said case.

Now, after hearing and careful consideration of the facts of present case, it is observed that since the organisation is functioning without any Government authorization and the Government has no responsibility towards so called employees of KBSK/KVSK, hence their petition is hereby rejected. It is further observed that this case has resulted in loss of precious time of the Hon'ble Court(s) and also officials of the concerned departments. Hence litigations of this nature should be discouraged.

All concerned may be informed accordingly for further course of action.

Place : Kolkata,
Dated : 09.11.2015

Sd/-
(Manabendra Chakravarty)
Additional Secretary
Agriculture Department

No.256/1(11) /L-67/11(pt-I)

Dated : 09.11.2015

1. The Secretary, Department of Agriculture and Co-operation, Krishi Bhavan, Rafi Marg, New Delhi-110001.
2. The Deputy Secretary, Department of Agriculture Co-operation and Farmers Welfare, Ministry of Agriculture and Farmers Welfare, Govt. of India, Krishi Bhavan, New Delhi-110001.
3. The Secretary, Finance Department, Govt. of W.B, Nabanna, 325, Sarat Chatterjee Road, Howrah-711102.
4. The Secretary, P & A.R Department, Govt. of W.B, Nabanna, 325, Sarat Chatterjee Road, Howrah-711102.
5. The Secretary, Department of Panchayat and Local Panchayat Bhavan, Self Government, 1, Kiran Sankar Roy Road, Kolkata-700001.
6. Senior P.S to the Principal Secretary, Agriculture Department, Govt. of W.B, 3rd Floor, Nabanna, 325, Sarat Chatterjee Road, Howrah-711102.
7. Senior P.S to the Additional Secretary, Agriculture Department, Govt. of W.B, Writer's Buildings, Kolkata-700001.
8. The Ld. Sr. Govt. Advocate, Sri Sadananda Ganguly, Bar Association, Room No.2, 1st Floor, High Court, Calcutta, Kolkata-700 001.
9. The Ld. Advocate, Smt. Karabi Ghosh, Bar Association, Room No.2, 1st Floor, High Court, Calcutta, Kolkata-700 001.
10. The Ld. Advocate, Sri Shambhu Mahato, C/O, The Ld. Advocate, Sri Ramdulal Manna, Bar Association, Room No.2, 1st Floor, High Court, Calcutta, Kolkata-700 001.
11. Sri Amar Dam, son of Shankar Dam, Secretary of Krishi Bikash Shilpa Kendra, 19/2B, Karbala Road, Record Room, P.D.-Cossimbazar, P.S.-Berhampore, District-Murshidabad, Pin-742102.

Chantal

Assistant Secretary
Agriculture Department
Government of West Bengal

DISTRICT : BIRBHUM

IN THE HIGH COURT AT
CALCUTTA
CONSTITUTIONAL WRIT
JURISDICTION
APPELLATE SIDE

W. P. No. 3657 (W) of 2016

In the matter of

Shri Amar Dam & Anr.

... Petitioners

- : Versus :-

The State of West Bengal & Ors.

-----Respondents.

WRIT PETITION

Smt. Karabi Ghosh, Advocate
High Court, Calcutta
Bar Association Room No. 2
Mobile No. 9831336006.