

WPA 14198 of 2019
With
CAN 1 of 2022
Chandan Misra
Vs.
The State of West Bengal & Ors.

Mr. Sabyasachi Bhattacharya

... .. for the petitioner

Mr. Supriyo Chattopadhyay

Mr. Ranjan Saha

... .. for the State

Learned counsel appearing for the applicant

submits that the applicant has preferred an application for modification of this Court's order dated 18th November, 2019.

On perusal of the order dated 18th November, 2019, it can be seen that there is a direction to the District Inspector of Schools (SE), Paschim Medinipur to allow the petitioner to have the benefit of higher scale (Post Graduate Scale) from 21st February, 2006.

The District Inspector of Schools (SE), Paschim Medinipur in compliance of the said order has passed his order dated 27th July, 2021. Today the learned counsel submits that from the service book it is reflected that if the pay fixation is not effected on and from 21st February, 2006 and if the general increment is effected on 01.07.2006 the petitioner is entitled to get basic pay of Rs.19,660/-, since the pay fixation was done on 21st February, 2006 by giving pay fixation of Rs.18,620/- + 10 years benefit stopping the general increment effected on and from 1st July, 2006. As a result whereof, the petitioner is losing the basic pay

i.e., Rs.19,660/- - Rs.19,180/- = Rs.480/- + other allowances like D.A. if it is calculated from 2006.

Learned counsel appearing for the State vehemently opposes such submission as according to him at this juncture there is no scope of modification of the order dated 18th November, 2019. Learned counsel appearing for the State further submits that this application for modification has been filed after two and half years and as such it should be set aside with cost.

Heard the parties.

There is no scope of modification of this Court's order dated 18th November, 2019 as it has been given effect to by the District Inspector of Schools (SE), Paschim Medinipur on 27th July, 2021. The District Inspector of Schools (SE), Paschim Medinipur has passed his order on 27th July, 2021 and the petitioner has made inordinate delay in approaching this Court for modification of the order dated 18th November, 2019, hence, the application is dismissed.

At this juncture, the learned counsel appearing for the petitioner prays leave to file a fresh writ petition.

Leave is granted to the petitioner to file fresh writ petition as fresh cause of action has arisen after the District Inspector of Schools (SE), Paschim Medinipur has passed his order dated 27th July, 2021 in compliance of the order dated 18th November, 2019.

(Rajarshi Bharadwaj, J.)