

13.04.2021

Item no. 17

Dd/aloke

(Through Video Conference)

WPA 4073 of 2020

**Prosenjit Purkait
Vs.
The State of West Bengal & Ors.**

Mr. Mukteswar Maity, adv.

Mr. Prabir Rej

... .. For the Petitioner

Md. Yasin Ali, adv.

Ms. Tapati Samanta, adv.

... ..For the State

Affidavit-of-service filed in Court today be kept with the record.

The petitioner says that he is an Assistant Librarian at the Hooghly District Central Library. He further says that, in fact, he has been acting as the librarian of the said library. His case for granting him higher scale of pay was considered by the District Library Officer, Hooghly and by a memo dated July 30, 2019 addressed to the Director of Library Services, Government of West Bengal, the District Library Officer, Hooghly recommended the petitioner for higher scale of pay. Subsequently, since no decision was forthcoming from the Director of Library Services, the petitioner made a representation dated December 4, 2019 to the said Authority. The grievance of the petitioner presently is that still no decision has been taken by the competent authority as regards the entitlement or

otherwise of the petitioner to receive higher scale of pay.

I have heard learned counsel for the petitioner as also learned counsel for the State respondents. Learned counsel for the State says that the petitioner is not entitled to receive higher scale of pay for several reasons. I am not inclined to go into such matters. Since the recommendation of the District Library Officer, Hooghly and the petitioner's representation are pending before the Director of Library Services, in all fairness, an early decision should be taken by that officer as regards the petitioner's claim for higher scale of pay.

Accordingly, I direct the respondent no. 3, being the Director of Library Services, Government of West Bengal, to take a reasoned decision on the petitioner's representation dated December 4, 2019 (page 47 of the writ petition) read with the District Library Officer's recommendation dated July 30, 2019 (annexure P-12 to the writ petition), in accordance with the applicable rules and regulations within a period of eight weeks from the date of communication of this order by the petitioner to the respondent no. 3, after giving an opportunity of hearing to the petitioner or his authorised representative. The decision so taken shall be communicated to the petitioner within a week from the date of the decision.

The petitioner contends that one Mrinal Kanti Mandal who was the Library Assistant, District Library, Purulia and similarly situate as the petitioner has been granted higher scale of pay. In this connection, the petitioner has annexed a memo dated 12.10.2012 (annexure P-13 to the writ

petition). The respondent no. 3 shall take into consideration that aspect of the matter also.

I have not gone into the merits of the petitioner's claim. It will be up to the respondent no. 3 to take an informed decision in accordance with law.

Since I have not called for affidavits, the allegations contained in the writ petition are deemed not to be admitted by the respondents.

WPA 4073 of 2020 is, accordingly, disposed of.

(Arijit Banerjee, J.)