

Court No. 24
23.08.2021
(Item No. 56)
(AB)

W.P.A. 9348 of 2021
(via video conference)

Khandkar Shamsheer Ali
VS
The State of West Bengal & Ors.

Ms. Ananya Neogi
Mr. Guddu Singh
..... For the petitioner
Mrs. Tapati Samanta
..... For the State

The petitioner retired as a Librarian of Rural Library on attaining his normal age of superannuation on 30.11.2001. The P.P.O. was issued in his favour on 09.10.2002 and the petitioner by this time has received all his retiral dues.

Presently the case of the petitioner is that he is entitled to a higher scale of pay in view of enhancing his educational qualification prior to the cut off date that is on 21st July, 1990.

The petitioner relies upon the order passed by the Hon'ble Supreme Court in Civil Appeal 6967-6970 of 2009 arising out of FMA No. 119-122 of 2002.

The petitioner made a representation before the respondent authorities on 28th February, 2020 followed by a notice demanding justice on 04.01.2021.

The grievance of the petitioner is that his representation has not been considered till date.

The learned advocate for the State respondent submits that the appeal which was filed by the State was disposed of by the Hon'ble Division Bench on

04.05.2018 and after which the matter travelled up to the Hon'ble Supreme Court wherein order was passed thereafter.

As it appears from the submissions of the parties that the representation of the petitioner praying for re-fixation of his pay is pending consideration at the end of the respondent authorities, accordingly the instant writ petition is disposed of by directing the Director of Library Services, Government of West Bengal being the respondent No. 4 herein to consider the said representation filed by the petitioner strictly in accordance with law, and in the light of the judgment passed by the Hon'ble Division Bench of this Court duly affirmed by the Hon'ble Supreme Court at the earliest, but positively within a period of eight weeks from the date of communication of a copy of this order. The said respondent shall pass a reasoned order and communicate the same to the petitioner immediately thereafter.

The petitioner is directed to forward all the necessary documents in his support to the aforesaid respondent at the time of communicating the order of this Court.

The writ petition stands disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)