

18.11.2021

BP
Sl. 11
Court No. 17.

WPA 9992 of 2021
(Via Video Conference)

Samarendranath Adak
Vs.
The State of West Bengal & Ors.

Mr. Kanai Lal Samanta
..for the petitioner.

Mr. Supriyo Chattopadhyay
Ms. Iti Dutta
..for the State.

The petitioner is a Headmaster of a Higher Secondary School which was up-graded from Secondary School to Higher Secondary School from the year 2013-2014. The petitioner on the basis of a circular dated 4th December, 2014 (at page 21 of the writ application) started enjoying of an additional increment of 3% and additional grade pay which was clarified by another circular issued by the Joint Secretary dated 22.03.2017 which is at page 26 of the writ application. As the said circular under which the additional – increment - benefit of 3% was being received by the petitioner has been withdrawn by the subsequent circular dated 22.03.2017, the petitioner cannot claim 3% increment in respect of his scale of pay.

The petitioner has challenged the G.O. dated 22.03.2017 on certain grounds as mentioned in page 7 of the writ application and the main ground is that the said memo does not clarify whether the same would have retrospective effect or not. Whether it would have retrospective effect or not cannot be the ground for setting aside the said memo. It is to be decided by the appropriate department of the Government whether the said memo dated 22.03.2017 has any retrospective effect or not. After such decision, if any, an aggrieved party may take steps in court of law. In respect of the order of the court, which is another ground upon which the petitioner is relying, passed in writ application being W.P. 24810(W) of 2012 which is at page 27 of this writ application, cannot have any binding effect because there is no reason for giving benefit to the petitioner therein. I do not find any ratio which has binding effect on me.

The writ application is dismissed without any order as to costs.

(Abhijit Gangopadhyay, J.)

