

13.07.2021
Ct. No. 19
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WPA 10974 of 2021

Pranab Kumar Ghosh & Ors.
Vs.
The State of West Bengal & Ors.
(Via Video Conference)

Mr. Ekramul Bari
Ms. Tanuja Basak
Sk. Imtiaj Uddin
..... for the petitioners

Mr. Lalit Mohan Mahato
Mr. Prasant Behari Bajpayee
..... for the respondents

The writ petition has been filed challenging inaction on the part of the respondents in fixing the pay scale of the petitioners as per the option exercised by them under ROPA 2019. Records reveal that the petitioners exercised their option correctly. Staff of the Municipality, while uploading the documents on the website, admittedly made a mistake. On account of such mistake, pay scale of the petitioners were not fixed as per their options under ROPA 2019. The petitioners have referred to the letters written by the Chairperson, Budge Budge Municipality dated 4th May, 2020 and 5th February, 2021 from which it

would appear that the Municipal Authorities have accepted their mistake and taken responsibility of having uploaded incorrect datas and in making erroneous entries with regard to the dates in the options exercised by the petitioners, to come under ROPA 2019. The mistake was on the part of the municipality. Such is also the submission of the learned advocate for the municipality who appears before this Court.

Mr. Mahato, learned Additional Government pleader, appearing for the respondents submits that this is an unfortunate case as the petitioners cannot be blamed for the mistake. Staff of the municipality were responsible for the mistake and the Chairperson has also admitted the fact in several communication.

Surprisingly, the Director of West Bengal Urban Development and Municipal Affairs Department issued a Memorandum dated 4th September, 2020 from which it would appear that the authority proceeded on the basis that the mistake with regard to the dates while exercising options had been committed by the petitioners and the petitioners were seeking an opportunity to correct such errors. The said memorandum has been issued in complete non-application of mind and in mis-appreciation of facts.

Accordingly, the writ petition is disposed of with a direction upon the Joint Secretary, Government of

West Bengal, Urban Development and Municipal Affairs Department to consider the grievance of the petitioners on the basis of the communication made by the Chairperson, Budge Budge Municipality. The decision should be taken immediately as the pay fixation of the petitioners have not been done and the petitioners are suffering for no fault of their own. The said authority shall be at liberty to call for documents/option forms from the office of the Chairperson of Budge Budge Municipality and seek clarification from the Chairperson of the said Municipality. The petitioners shall be represented before the authority.

It is expected that appropriate orders will be passed and implemented taking note of the fact that the petitioners had not failed to exercise their options and the mistake was not on their part in this regard. The necessary correction should be made in the records and the pay must be fixed accordingly, if the authority is satisfied on the basis of the option forms that the petitioners had not committed any errors. A reasoned order should be passed and communicated to all concerned. The entire exercise should be concluded within four weeks from date of communication of this order.

There will be, however, no order as to costs.

All parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)