

27.07.2021
Court No. 19
Item no.38
sn

WPA No. 11324 of 2021

PRAKASH SAHA VS. THE STATE OF WEST
BENGAL & ORS.
(via video conference)

Mr. Ekramul Bari
Ms. Tanuja Basak
Sk. Imtiaj Uddin

...for the petitioner

Mr. Samrat Sen

..for the respondent nos. 5&7

Ms. Manika Pandit

..for the State

The petitioner was appointed as Boiler Operator under the Bhagirathi Co-operative Milk Producers' Union Limited. The appointment of the petitioner was confirmed. The Grade Pay was fixed at Rs.2300/-. It is the contention of the petitioner that similarly situated persons were granted Grade Pay of Rs.2900/-. Documents to that effect has been also annexed to the writ petition.

The petitioner challenges his pay fixation on the ground of inequality and discrimination.

According to the petitioner, the post of Boiler Operator should carry equal Grade Pay for the petitioner and the respondent no.8. Aggrieved by such unequal pay structure, the petitioner approached the Bhagirathi Co-operative Milk Producers' Union Limited. Records also reveal that the Managing Director of the said Co-operative Society has been approached by the petitioner by

filing a representation dated May 25, 2017. Admittedly, this representation has not been disposed of. The grievances of the petitioners has not been looked into.

Under such circumstances, this writ petition is disposed of with a direction upon the Managing Director, Bhagirathi Co-operative Milk Producers' Union Limited to dispose of the representation of the petitioner dated May 25, 2017 upon granting an opportunity of hearing to the petitioner. The managing Director shall pass a reasoned order and communicate the same to the petitioner.

If the Managing Director finds that the contention of the petitioner is justified, then appropriate action shall be taken to remedy any mistake or inequality in the fixation of pay scale. The concerned authority shall decide the issue independently.

The entire exercise shall be completed within a period of six weeks from the date of communication of this order.

This writ petition is thus disposed of.

There will be however no order as to costs.

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

(Shampa Sarkar, J.)