

27.07.2021
Court No. 19
Item no.32
sn

WPA No. 11300 of 2021

TANMOY SARKAR & ORS. 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

Mr. Rajat Dutta
Mr. Swapan Dutta

..for the State

The petitioners were appointed as Junior Assistant under the Bhagirathi Co-operative Milk Producers' Union Limited. The appointment of the petitioners were confirmed. The Grade Pay was fixed at Rs.2600/-. It is the contention of the petitioners that similarly situated persons were granted Grade Pay of Rs.2900/-. Documents to that effect has been also annexed to the writ petition.

The petitioners challenge their pay fixation on the ground of inequality and discrimination.

According to the petitioners, the post of Junior Assistant should carry equal Grade Pay for the petitioners and the respondent no.8. Aggrieved by such unequal pay structure, the petitioners 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 several representations. Admittedly, these representations have not been disposed of. The grievances of the petitioners have 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 representations of the petitioner dated December 20, 2019 and August 29, 2020, upon granting an opportunity of hearing to the petitioners. The managing Director shall pass a reasoned order and communicate the same to the petitioners.

If the Managing Director finds that the contention of the petitioners are 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.)