

03.08.2021
Sl. No.8
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE
(Via Video Conference)

WPA 11445 of 2021

Shri Jyotirmoy Sarkar
Vs.
Damodar Valley Corporation & Ors.

Mr. Puspall Chakraborty,
Ms. Prishanka Ganguli,
Mr. Somdev Ash

....for the petitioner.

Mr. Dipankar Ghosh

...for DVC.

Mr. Mrinal Kanti Mukherjee,
Mr. Subhajyoti Chandra

....for the respondent no.4.

Affidavit of service filed in Court today is taken on record.

The petitioner says that after introduction of the Sixth Pay Commission by the Central Government in the year 2006, the Central Government has amended Rule 10 of the Central Services (Revised Pay) Rules, 2008 and shifted the date of awarding annual yearly increment to all Central and State Government employees to 1st July of each of year. The petitioner seeks shifting of this date of 1st July because an employee, according to the petitioner, who completes one-year service before 1st July of a particular year is deprived of such annual yearly increment if he or she is superannuated before 1st July of that year. The

petitioner has made several representations to his employer, Damodar Valley Corporation in this regard, but such representations have remained unaddressed. The petitioner also refers to some judgments along with the representations in support of his case.

It is an admitted position that the representations made by the petitioner has remained unaddressed. Unless the view of the petitioner's employer is known, the writ Court is not in a position to consider the petitioner's grievances

In such circumstances, I direct the Executive Director, Accounts and Finance Department, Damodar Valley Corporation, who according to the advocate representing Damodar Valley Corporation, is the appropriate authority to consider the petitioner's representations to decide on the petitioner's representations annexed to the writ petition. The said Executive Director shall, within a period of eight weeks from date, decide on the petitioner's representations by passing a reasoned order after granting the petitioner a reasonable opportunity of hearing following the present applicable protocol. The reasoned order on being passed shall be immediately communicated to the petitioner.

Since the respondents are represented, no further notice shall be given to any of the respondents.

The Executive Director, Accounts and Finance Department, Damodar Valley Corporation, who is, however, not a party to the writ petition shall act on a server copy of this order without insisting upon a certified copy thereof.

By way of an abundant caution, the petitioner is directed to serve a copy of the writ petition along with this order on the said Executive Director, Accounts and Finance Department, Damodar Valley Corporation within seven days from date.

Nothing further remains to be adjudicated in this writ petition. The same is disposed of accordingly without any order as to costs.

Since I have not called for any affidavits, allegations made in the writ petition are deemed to have not been admitted by the respondents.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Arindam Mukherjee, J.)