

09.12.2021
Sl. No.17
srm

W.P.A. No. 15391 of 2021

**Tapas Majhi
Vs.
The State of West Bengal & Ors.**

Mr. A.K. Gayen,
Mr. A.A. Gayen

...for the Petitioner.

Mr. Ayan Banerjee

...for the State-respondents.

Mr. Anindya Bose,
Mr. Diptendu Mandal,
Mr. Nikhil Gupta

...for the Khirpai Municipality.

Affidavit of service is taken on record.

The writ petition has been filed by an employee of Khirpai Municipality, District-Paschim Medinipur. It is the contention of the petitioner that the Department of Urban Development and Municipal Affairs (Municipal Affairs Branch), Government of West Bengal, issued a resolution dated December 26, 2019 thereby implementing the recommendation of the Sixth Pay Commission. According to the petitioner, calculation of the revised pay that would be payable to the petitioner upon implementation of the Sixth Pay Commission was Rs.26,300/-, that is, P.B. 2 of Level 6, Cell 6. The petitioner contends that the said calculation was made by the Chairman of the Khirpai Municipality and also approved

by the Director of Local Bodies. Subsequently, the calculation was revised and the petitioner was put in the Pay Band 2 of Level 6, Cell 4. The basic pay was re-fixed at Rs.24,800/-.

Aggrieved by the re-fixation of the basic pay, the writ petition has been filed.

Mr. Gayen, learned Advocate appearing on behalf of the petitioner, submits that once the Director of Local Bodies had approved the basic pay of the petitioner at Rs.26,300/-, the municipal authorities were not within its power to re-fix/revise the same.

Mr. Bose, learned Advocate appearing on behalf of the municipality, submits that the earlier calculation made by the municipality was a mistake and the calculation so forwarded and approved, was done in a routine manner by the Director of Local Bodies. It was the duty of the employer to make the calculation upon implementation of the Sixth Pay Commissioner. According to Mr. Bose, clause 4 read with clause 10(i)(b) of the said Resolution dated December 26, 2019, was followed while making the re-fixation. Mr. Bose, submits that as the petitioner had got his promotion to the post of a clerk on February 23, 2016, the incremental benefit of the petitioner upon exercise of option was calculated from January 1, 2016 and not from July 1, 2016.

As these are issues which have to be decided by the appropriate authority, this Court is of the opinion that the Director of Local Bodies must dispose of the contentions of the writ petitioner upon considering the writ petition as a representation. The contention of the municipality shall be submitted before the Director of Local Bodies in the form of a written version and thereafter upon hearing the petitioner as also the competent authority of the municipality, a reasoned order shall be passed and communicated to all concerned.

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

This writ petition is, thus, disposed of.

There will be no order as to costs.

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

(Shampa Sarkar, J.)