

Item No.119

In The High Court At Calcutta
Constitutional Writ Jurisdiction
(via video conference)

30.11.2021
Ct-24

WPA 18191 of 2021
Ardhendu Sinha Chaudhury
v.
The State of West Bengal & Ors.

Mr. S.N. Biswas
... for the petitioner.

Mr. B.P. Vaisya
... for the State.

Md. Sarwar Jahan
Sk. Nayeemul Haque
... for the respondent nos. 3 & 4.

Affidavit-of-service filed in Court today be kept on
record.

The petitioner was serving as teacher of a primary
school. He retired from service on attaining the normal
age of superannuation on May 31, 2021.

According to the petitioner he was given 'A'
category scale of pay in terms of the Memo no.
2329(44)/12-13 dated September 18, 2012 issued by the
Chairman, Murshidabad District Primary School
Council. Thereafter, by a further Memo no. 1019-
A(44)/1yrPTTican/2018-19 dated July 27, 2018 the said
'A' category scale of pay stood withdrawn.

The petitioner relies upon orders passed by this Court in similar matters and submits that similar order may be passed in his case.

The petitioner approached the respondent authorities by filing representation on October 7, 2021. The grievance of the petitioner is that the said representation has not been considered till date.

It appears from the documents annexed to the writ petition that in a similar case the Hon'ble Division Bench of this Court by an interim order directed the respondent authority to continue paying 'A' category scale of pay to the writ petitioner with a rider that in the event, the appeal succeeds any payment made in terms of the order of the Court may be refunded or adjusted against future salaries.

In the instant case, the petitioner approached the authority for restoring 'A' category scale of pay in October, 2021, that too, after he retired from service.

In view of the above, the instant writ petition is disposed of by directing the respondent no. 4 to consider the representation sent through post by the petitioner on October 7, 2021 at the earliest, but positively within a period of ninety days from the date of receipt of a copy of this order.

The aforesaid respondent shall consider the representation of the petitioner in the light of the order

passed by this Court on January 15, 2020 in WP 15294(W) of 2018 and the interim order passed by the Hon'ble Division Bench on February 11, 2021 in MAT No. 714 of 2020 with CAN 1 of 2021 and CAN 2 of 2021.

The aforesaid respondent shall pass a reasoned order and communicate the same to the petitioner immediately thereafter.

The petitioner is directed to forward a copy of the representation made by him along with copy of the aforesaid orders passed by this Court in similar matters to the respondent authority at the time of communicating the order of this Court.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

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(Amrita Sinha, J.)