

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 19740 of 2021

Nanda Dulal Mitra & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Prabir Kumar Chaudhuri
... For the petitioners

Mr. Amal Kumar Sen
Mr. Suman Sengupta
... For the State

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

There are three writ petitioners who have filed this writ petition espousing their separate independent cause, however, arising out of same set of facts and the reliefs claimed are identical as also against the same set of respondents.

Considering this aspect, the petitioners are directed to pay the deficit court fees in course of the day failing which the writ petition will be considered to have been filed by only the first petitioner.

The petitioners say that they were appointed as members of the West Bengal Home Guard under the West Bengal Home Guard Act, 1962 on different dates. The petitioners no.1, 2 and 3 retired from the services upon attaining the age of superannuation on 5th July, 2019, 20th June, 2018 and 30th November, 2019, respectively. The petitioners say that at the time of retirement the petitioners were given a one-time amount of Rs.50,000/-. Subsequently, by government circular, this one-time

payment has been increased. The petitioners are seeking the enhanced one-time payment receivable by them on retirement. The petitioners further say that their remuneration had been increased at the rate of three per cent every year with effect from 1st March, 2016 as per the Gazette Notification dated 10th March, 2016. The petitioners are, therefor, claiming the difference between the amount actually paid and the enhanced amount as per the Gazette Notification dated 10th March, 2016. The petitioners have made separate independent representations, which appear at pages 130 to 132 for the petitioner no.1, pages 133 to 135 for the petitioner no.2 and pages 136 to 138 for the petitioner no.3.

After hearing the parties and considering the materials on record, I find that instead of inviting the views of the respondents through affidavit, justice will be subserved if the respondent no.2 is directed to consider the representations respectively made by the petitioners no.1, 2 and 3 within a specified time-frame so that the views of the respondents are explicit from such decision.

In the aforesaid facts and circumstances, the respondent no.2 is directed to consider and decide on the issues raised respectively by the petitioners no.1, 2 and 3 in their independent representation within a period of four months from the date of communication of a server copy of this order by a reasoned order after affording the petitioners reasonable opportunity to represent their case by observing the prevalent Covid-19 protocol. The reasoned order shall be communicated to the respective petitioners within 14 days from the date of making and publishing such order.

The respondent no.2 shall decide all the issues raised by the petitioners in their respective representations independently without being influenced in any manner by the observations made in this order.

The petitioner, for abundant precaution, shall serve a copy of the writ petition along with the instant order to the respondent no.2.

The respondents, including the respondent no.2, shall act on the basis of a server copy of this order without insisting upon production of a certified copy thereof.

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.

Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Arindam Mukherjee, J.)