

26.07.2021
SL No. 23
Court No. 24
(P.M.)

WPA 28058 of 2014

**Niva Rani Chatterjee & Ors.
Vs
The State of West Bengal & Ors.
(Via Video Conference)**

Mr. Amales Ray,
Ms. Mousumi Bhowal
... for the petitioner

Ms. Tapati Samanta
... for the State.

The original writ petitioner Amarendra Nath Chattopadhyay, since deceased, was appointed as a Library Assistant in a town library on 17th July, 1986. He was transferred as Librarian in a town library in 2007.

The scale of pay of a Library Assistant in a town library is same as the Librarian of a rural library.

The petitioner relies upon a Government Memo No. 308/Pl-132 dated 21st August, 1997 issued by the District Library Officer, Burdwan to the Secretary, Sudpur, Ramkrishna Pathagar where the designation and the scale of pay of the petitioner has been clearly mentioned.

The employee enhanced his qualification prior to the cut-off date as mentioned in the notification No. 33-Edn(B) dated 7th March, 1990. The grievance of the employee was that the higher scale of pay as sought for by him was not granted in his favour.

The employee died intestate during the pendency of the instant writ petition which was filed in the year 2014.

The successors-in-interest of the deceased employee is presently pursuing the case for grant of higher scale of pay. The prayer of the employee for grant of higher scale of pay was never considered by the respondent authorities.

Accordingly, the instant writ petition is disposed of by directing the Director of Library Services, being the respondent No. 2 herein to take a decision as to whether the employee may be granted benefit in terms of the notification No. 33-Edn(B) dated 7th March, 1990.

The aforesaid respondent shall consider the case of the employee, strictly in accordance with law at the earliest, but positively within a period of eight weeks from the date of communication of a copy of this order.

The said respondent shall pass a reasoned order and communicate the same to the present petitioners immediately thereafter.

The petitioners herein are directed to forward all the necessary documents in support of the prayer for higher scale of pay at the time of communicating the order of the Court.

The writ petition stands disposed of.

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

(Amrita Sinha, J.)