

10.12.2021
Item No.32
Ct. No.15
CHC
(disposed of)

W.P.A.30362 of 2014
IA NO: CAN/1/2019 (Old No:CAN/4342/2019)
(already disposed of)
CAN/2/2019 (Old No: CAN/4343/2019)
(already disposed of)
(Physical Hearing)

Nanda Dom
Vs.
State of West Bengal & ors.

Mr. Siddhartha Sankar Mandal,
Mr. Bibhasaditya Chakraborty
...for the petitioner

The writ petitioner was appointed in the post of Sweeper vide order of the Chairman of Old Malda Municipality (for short the 'Municipality') dated 3rd February, 2000, Annexure -'P-2' of the writ petition.

Pursuant to said appointment letter, petitioner joined the post of Sweeper on 3rd of April, 2000.

It has also been certified by the Chairman of the said Municipality that the petitioner joined the post of Sweeper on 3rd April, 2000. It is also the case of the writ petitioner that prior to such appointment, petitioner was working as a casual worker in the said Municipality for a long period of time.

The grievance of the writ petitioner is that though vide appointment letter dated 3rd February, 2000, he

was sanctioned scale of pay of Rs.2600-4175/- but subsequently, petitioner's pay was fixed on consolidated basis at Rs.2600/- vide Memo dated 23rd June, 2004.

It is also submitted by Mr. Siddhartha Sankar Mandal, learned advocate representing the petitioner that for the period from 3rd April, 2000 till July, 2004, petitioner was sanctioned monthly pay in the scale of pay of Rs.2600-4175/-.

The writ petitioner is aggrieved by the Memo dated 23rd June, 2004 by which the pay of the petitioner was fixed on consolidated basis at the rate of Rs.2600/- per month and petitioner has thrown challenge to the Memo dated 23rd of June, 2004 whereby according to the writ petitioner the consolidated pay was erroneously fixed.

No one appears on behalf of the respondent authorities in spite of notice being served upon the said Municipality vide letter Dated 26th November, 2021. The said notice dated 26th November, 2021 is taken on record.

On perusal of the impugned Memo dated 23rd June, 2004, it appears that the Chairman of the said Municipality took decision to fix the consolidated pay of the writ petitioner at the rate of Rs.2600/- per month due to want of necessary clarification from the Director of local bodies.

This Court considering the dispute involved in this writ petition thinks it fit to direct the Director of local bodies, the respondent no.2 to take decision on the entitlement of the petitioner to draw salary on the scale of pay of Rs.2600-4175/- with effect from the date of his appointment since at the time of appointment of the writ petitioner vide Memo dated 3rd February, 2000, the Chairman of the Municipality fixed his pay scale at Rs.2600 - 4175/-.

Leave is granted to the writ petitioner to make a comprehensive representation on his claim as aforesaid with regard to fixation of his pay scale within a period of fortnight from this date before the respondent no.2.

In the event, such representation is made before the respondent no.2, the same shall be decided by the respondent no.2 within a period of 12 (twelve) weeks from the date of receipt of the said representation on the entitlement of the writ petitioner to draw the salary on the scale of Rs.2600 – 4175/-.

Respondent no.2 is directed to grant opportunity of hearing to the writ petitioner as well as the representative of the said Municipality before taking such decision. If such decision is taken on receipt of representation by the respondent no.2, the same shall be communicated to the writ petitioner within a period of one week thereafter.

With the above direction, the writ petition stands disposed of.

There shall be no order as to costs.

Urgent certified photostat copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Saugata Bhattacharyya, J.)