

17.03.2021
Item No.16
Ct. No.2
CHC

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE JURISDICTION
(Through Video Conference)**

W.P.A.580 of 2021

**Amitava Adhikary
Vs.
The State of West Bengal & ors.**

Mr. Anirban Banerjee
...for the petitioner

Mr. Subir Kumar Saha (Ld. A.G.P.)
Mr. Pretom Das
...for the State

Mr. Bikramaditya Ghosh
...for the NBSTC

Affidavit-of-service filed by the petitioner be
taken on record.

The principal grievance raised in this case by
the writ petitioner is that even after his
retirement in 2019, twenty years service benefits
have not been given to the writ petitioner and as
such petitioner has been drawing less pension
compared to his other retired colleagues.
Incidentally, learned advocate for the petitioner
draws attention of the Court to a representation
dated 7th March, 2019, last submitted to the

respondent no.3, the Managing Director, NBSTC, Cooch Behar for due redressal of his grievance.

It is contended in this writ petition that previously there was a disciplinary proceeding initiated against the writ petitioner, but the decision of the disciplinary proceeding inflicting punishment upon the writ petitioner has been set aside later by the appellate authority. The fixation of pay of the writ petitioner has not been appropriately done even after the punishment inflicted upon the writ petitioner was set aside by the appellate authority.

Learned advocate representing the respondent no.3 submits that direction for exchanging affidavits may be given so as to address the points involved in this case.

The point raised in this case is very simple and innocuous that even after the punishment awarded in connection with a disciplinary proceeding, initiated against the writ petitioner being set aside by the appellate authority, the fixation of the pay has not been appropriately made by the respondent authority, and the representation so far submitted by the writ petitioner on 7th March, 2019 has not been acted upon to redress his grievances.

That being the position, the Court is of the view that no exchange of affidavit is necessary in this case at this stage, and if the same is invited there is chance of causing delay to the instant litigation.

The purpose of justice will be best subserved in this case by directing the respondent no.3 to consider the representation of the writ petitioner within a period of two months from the date of communication of this order and dispose of the same recording a reasoned order therefor.

It is clarified that while making consideration of the representation, a notice may be issued upon the writ petitioner for the purpose of hearing to the writ petitioner. It is further directed that if upon consideration of the representation, it appears that there are good grounds to redress the grievance, the respondent no.3, may allow the fixation of pay within one month thereafter, and release the consequential amount along with interest of 6% P.A. accordingly within such time to writ petitioners.

With this direction/observation, the writ petition being W.P.A.580 of 2021 stands disposed of.

Urgent certified photostat copy of this order, if applied for, be given to the parties as

expeditiously as possible on compliance of all necessary formalities.

(Subhasis Dasgupta, J.)