

30.3.2022
Ct.5,sl.31
sk

WPA 979 of 2022
Subrata Das
Vs
The State of West Bengal & Ors.

Mr. Biswaroop Biswas
...for the petitioner.

Mr. Supriyo Chattopadhyay
Ms. Sayantanee Bhattacharjee
...for the State

After hearing learned counsel appearing for the petitioner and the State respondents, the writ petition may be allowed by directing the respondent nos. 5 & 7 to give the benefit of the higher scale of pay to the petitioner from 13th June, 1994, when the petitioner enhanced his qualification, instead of 22nd August, 1997. The communication certificate of the petitioner's enhancement of qualification from the District Inspector of Schools (S.E.), Nadia as well as the certificate from the Indira Gandhi National Open University mentions the date i.e. 13th June, 1994. Hence, this date should be taken as the date from which the benefit of higher scale of pay should be allowed.

Learned counsel appearing for the State submits that although the scale of the petitioner has been wrongly fixed by the State, the said mistake cannot now be reversed in light of the judgments passed by the Supreme Court.

The pension papers of the petitioner shall be given to the respondent no. 5 for effective action in this regard.

The Director of Pension, Provident Fund and Group Insurance, West Bengal will ensure that the petitioner's benefit of higher scale of pay should be disbursed within eight weeks from date. The pensionary dues shall be paid in accordance with the actual entitlement of the petitioner.

W.P.A. 979 of 2022 is disposed of in terms of the above.

(Moushumi Bhattacharya, J.)