

08-06-2022
ct no. 13
Sl. 18
sp

WPA 833 of 2019
Uttam Kumar Giri
-Versus-

The State of West Bengal & Ors.

Mr. Samiran Giri

....for the petitioner

Mr. Pinaki Bhattacharyya

.....for the State

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

The petitioner claims increments in pay for the period from June 29, 2009, till August 12, 2009, during which he remained absent from duties. The matter has checkered history. The petitioner was allowed to resume duties after his service was regularized pursuant to several orders of a Co-ordinate bench of this Court, namely, July 2, 2010, passed in WP 9002 (W) of 2010, April 5, 2012, passed in WP 18651 (W) 2011 and February 18, 2013, passed in WP 2455 (W) of 2013.

The petitioner has submitted that he was unable to attend duty due to political disturbance. The authority found no evidence of such disturbance or any steps taken by the petitioner to lodge complaint to the police as regards such

disturbance. The school was found to function normally during the said period.

Be that as it may, the petitioner's service was regularized, and his absence from school was condoned under Rule 7 of Leave Rules and Section 28(2) read with Sub-Section (b) of Section 50 of the West Bengal Board of Secondary Education Act, 1963.

The petitioner now submits that he is entitled to increments for the said period.

This Court is of the view that the petitioner, in fact, did not work for the period from 2009 to 2013, and cannot claim any right for increment during the said period as increment on salary and increments is vitally connected to, and depends on the actual service rendered by the petitioner.

Reference to the complaint filed by the petitioner with the Officer-in-Charge, Marisda Police Station, Purba Medinipur on July 27, 2009, is of no consequence since no steps have been taken pursuant thereto by the petitioner.

It is impossible for this Court to accept that the petitioner could not attend duty for the reasons stated.

In those circumstances, no relief can be granted to the petitioner.

Hence, WPA 833 of 2019, shall stand dismissed.

Interim orders, if any, shall stand vacated.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)