

18.07.2022.
Court No.13
Item No. 7
ap

W.P.A. No. 4823 of 2009

**Utpal Kumar Paul
Versus
The State of West Bengal & Ors.**

Mr. Ekramul Bari,
Mr. Syed Mansur Ali.

...For the petitioner.

The writ petitioner is aggrieved by an order dated 25th July, 2006 declining higher scale of pay to him by application of the West Bengal (Control and Expenditure) Act, 2005.

Admittedly, Control and Expenditure Act has no retrospective operation.

Counsel for the petitioner, Mr. Bari, relies upon a Memo No. 400-Edn(B)/1M-45/91 dated 10th September, 1991 and submits that his client is entitled to higher scale of pay since the Act was not in force when the petitioner acquired the higher qualification.

In view of the above, the matter is remanded for consideration afresh by the District Inspector of Schools (SE), North 24 Parganas on the petitioner's claim for higher pay scale.

A reasoned order may be passed and communicated to the petitioner within a week thereof.

Let the aforesaid exercise must be completed by the District Inspector of Schools (SE), North 24

Parganas within a period of four months from the date of communication of a copy of this order.

The impugned order dated 25th July, 2006 passed by the Additional District Inspector of Schools, Bongaon Sub-Division, North 24 Parganas shall stand set aside.

With the aforesaid directions, the instant writ petition shall stand disposed of.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)