

WPA 10177 of 2022

Santosh Kumar Sen & Ors.
-Vs-
State of West Bengal & Ors.

Mr. Arup Kumar Lahiri
Mr. Uddayan Datta
... for the petitioners
Mr. Tapan Kumar Mukherjee
Ms. Tuli Sinha ... for the State-Respondent

Mr. Ram Mohan Pal
... for the respondent no.3

Mr. Siddhartha Banerjee
Mr. Sudipta Nayan Ghosh
... for the Respondent No.5

The petitioners claims to be the Sheristadar/the Chief Administrative Officers, who worked under the District Judgeship of Purba Medinipur/the Respondent no.3.

By a Notification dated January 24, 2020 issued by the Secretary to the Judicial Department, Government of West Bengal, the petitioners were given the benefits of WBS (ROPA) Rules, 2009. Clause (c) of the said Notification reads as follows:

“Chief Administrative Officer, in the Court of District Judge/Chief Judge, City Civil Court, Calcutta/Chief Judge, City Sessions Court, Calcutta/Chief Judge, Presidency Small Causes Court, Calcutta [Re-designated from the post of

*Sheristadar/Office Superintendent
attached to the Court of District
Judge/City Civil Court, Calcutta/City
Sessions Court, / Presidency Small
Causes Court] will carry, w.e.f.
01.04.2003, the unrevised scale of pay of
Rs. 8000-13500/- under WBS (ROPA)
Rules, 1998 since revised to Pay Band 4A,
viz, Rs.15600-42000/- plus Grade Pay of
Rs.5400/- under the WBS (ROPA) Rules,
2009.”*

Furthermore, by an Establishment Order No. 19 dated June 30, 2020 issued by the Office of the District Judge, Purba Medinipur/the respondent no.3, the petitioners were upgraded by way of re-designation from the post of Sheristadar to Chief administrative Officer and their scales of pay as per WBS (ROPA) Rules, 2009 was recommended to be given.

Mr. Lahiri, Learned Counsel, appearing for the petitioner, submits that despite the Establishment Order No. 19 dated June 30, 2020, no steps have been taken for release of the arrears of pay of the petitioners which they are entitled to.

Mr. Mukherjee, Learned Additional Government Pleader, appearing on behalf of the State, submits

that the State has made necessary publication in the Gazette whereby the recommendations for giving the necessary benefits under WBS (ROPA) Rules, 2009 is made. He prays for three months' time for implementation of the said recommendation. He submits that the recommendation of Shetty Commission has been implemented by the Government of West Bengal in terms of the decision made by the Hon'ble Supreme Court of India vide ***Writ Petition (C) No. 1022 of 1989 (All India Judges' Association & Ors. -vs- Union of India & ors.) and also the decision of the Hon'ble High Court at Calcutta in WP No. 29700(W) of 2014 (West Bengal Courts' Employees' Association -Vs- State of West Bengal & Ors.)***

Mr. Banerjee, Learned Counsel appearing on behalf of the Respondent No.5, submits that there is no impediment in releasing the arrears of pay to the petitioners.

In the light of the submissions made hereinabove and the materials placed on record, this Court directs the Respondent No.4 being the Accountant General (A&E), West Bengal to release the arrears of pay of the petitioners within three months from date.

With the aforesaid directions, **WPA 10177 of 2022 is disposed of.**

All parties to act on a server copy of this order duly obtained from the official website of the Hon'ble High Court, Calcutta.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Lapita Banerji, J.)