

15.
27.09.2022
S.D.

W.P.A. 18322 of 2022

Paresh Chandra Mondal
Vs.
State of West Bengal & Ors.

Mr. Dilip Kumar Samanta
... For the Petitioner.

Mr. Rama Prasad Sarkar
Ms. Anita Deb Jana
...For the State.

Mr. Prasun Kumar Dutta
Mr. Amiya Kumar Dutta
Mr. S.P. Ghosh
Ms. Barna Das
..For the Respondent No. 7.

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

The petitioner claimed to be an Assistant Teacher with Post Graduate in Sociology. The petitioner claims the higher scale of pay which was initially paid to him, but suddenly was stopped unilaterally by the State authority. The petitioner retired on September 30, 2021.

The petitioner had lodged his claim by way of a representation dated July 19, 2022, **Annexure P 4** to the writ petition. The same had not received any attention of the State authority to whom it was addressed.

Ms. Anita Deb Jana, learned State counsel led by Mr. Rama Prasad Sarkar represents the State respondents.

Considering the submissions made on behalf of the petitioner and the State and on perusal of materials on record, it appears to this Court that, justice would be subserved if the representation of the petitioner dated July 19, 2022, **Annexure P 4** to the writ petition, is directed to be considered by the respondent no. 2 upon giving a prior notice of hearing at least seven days to the writ petitioner and the respondent nos. 8 and 9 and then after granting them an opportunity of hearing to pass his reasoned order/decision on the issue.

The entire exercise as directed above shall be carried out and completed by the respondent no. 2 within a period of eight weeks from the date of communication of this order. The respondent no. 2 then shall communicate his reasoned decision/order to the petitioner and the respondent nos. 8 and 9 within a further period of two weeks from the date of the said reasoned order to be passed.

In the event, the reasoned order goes in favour of the petitioner, the respondent nos. 3 and 5 shall take all necessary steps to give effect to the said reasoned order forthwith and to disburse whatever amounts the petitioner would be found to be eligible in favour of the petitioner within a further

period of six weeks from the date of communication of the said reasoned order to the respondent nos. 3 and 5 by the petitioner.

It is made clear that this Court has not gone into the merits of the claim of the writ petitioner in any manner. All points will be left open before the parties during the hearing before the respondent no. 2. The parties shall be at liberty to rely upon whatever documents and records they want to rely upon during such hearing.

Since affidavits are not called for, the allegations made in the writ petition are deemed to be denied by the respondents.

On the above terms, this writ petition being **W.P.A. 18322 of 2022** stands disposed of, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)