

14.11.2022

**WPA 19295 of 2022**

**Sunil Chandra Mandal**

**-Vs-**

**Union of India & Ors.**

**Mr. Ujjal Roy**

**Mr. Arpa Chakraborty**

**... for the petitioner**

**Mr. Rajendra Banerjee ... for the UOI**

Affidavit-of-service filed in Court today be retained with the record.

The petitioner in this writ petition claims to be a retired Inspector of the Railway Protection force (RPF), Northeast Frontier Railway, Assam. He retired from service on February 28, 2022.

It is the case of the petitioner that pursuant to a promotion order dated September 13, 2007, he was promoted to the rank of Sub-Inspector from the rank of Additional Sub-Inspector.

Despite the fact that he was promoted to the post of Sub-Inspector, his scale of pay was lower than that of the persons who were similarly circumstanced.

Mr. Roy, Learned Counsel appearing on behalf of the petitioner, submits that the second person in the promotion order dated September 13, 2007 was drawing the higher scale of pay compared to that of the petitioner even though they were promoted on the same date. He refers to pages 33 and 34 of the writ

petition in support of his contention.

Furthermore, he also refers to page 35 of the writ petition to contend that others who were similarly placed also drew the higher scale of pay.

He submits that a Representation was made before the appropriate authority being the Senior Divisional Security Commissioner/RPF/the respondent no.4 on August 25, 2019 drawing the aforesaid anomalies. Despite such representation, no steps have been taken till date.

Mr. Banerjee, Learned Counsel, appears on behalf of the respondent nos. 2 to 4.

After hearing the submissions of the parties and considering the materials placed on record, this Court directs the Senior Divisional Security Commissioner/the respondent no.4 to dispose of the Representation dated August 25, 2019 of the petitioner within eight weeks from the date of this order keeping in mind the fact that there is an anomaly of pay between the scale awarded to the petitioner and other service holders, who were similarly circumstanced.

A personal hearing is to be given to the petitioner. The Representation dated August 25, 2019 of the petitioner is to be disposed of with a reasoned order and the same should be communicated to the petitioner within two weeks of the passing of the

same.

In the event, the petitioner is found to be similarly circumstanced with the other service holders, the respondent concerned may consider the issuance of the consequential benefits including the pay fixation to the petitioner subject to the extant rules as applicable in the present case.

Since no affidavits have been invited in the present writ petition, all the allegations contained therein are deemed not to have been admitted by the parties.

With the aforesaid directions, **WPA 19295 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.)**