

Item No.42

22.11.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 19550 of 2022
Shri Ratan Kumar Guin
-vs.-
The State of West Bengal & Ors.

Mr. Indranath Mitra
Mr. Siddhartha Ruj
... for the petitioner.

Mr. Chaitali Bhattacharya
Mr. Subhendu Roychoudhury
... for the State.

The petitioner is a retired employee of Guskara Municipality. His allegation is that he was not paid the proper grade pay on his promotion in the year 2016. The petitioner has been superannuated on August 31, 2021.

The order of promotion dated December 28, 2016 mentions that, the employee on promotion will draw his pay and allowances in accordance with the pay scales mentioned in the Government Resolution No. 15/C-9/MIM- 3/81 dated April 20, 1982 of the erstwhile L.G. & U.D. Department, as revised up-to-date.

According to the petitioner, the discrepancy in payment according to his proper grade pay was detected after he received his service book upon his retirement.

The petitioner filed a representation before the Director of Local Bodies on March 30, 2022 praying for

rectification of the errors and alleges that the same has not been taken into consideration till date.

None appears for the Guskara Municipality. In the absence of proper instruction from the Municipality with regard to the allegation made by the petitioner, the Court is not in a position to decide the issue conclusively.

As it appears that the representation filed by the petitioner seeking revision of his grade pay is pending consideration at the end of the Director of Local Bodies, accordingly, the present writ petition is disposed of by directing the respondent no. 2 being the Director of Local Bodies to take into consideration the representation made by the petitioner in accordance with law after affording a reasonable opportunity of hearing to the petitioner and any other necessary party at the earliest, but positively within a period of four months from the date of communication of a copy of this order.

The aforesaid respondent shall pass a reasoned order and communicate the same to the petitioner immediately thereafter.

It is made clear that this Court has not entered into the merits of the claim of the petitioner and all points are left open to be decided by the aforesaid respondent at the time of consideration of his representation.

Leave granted to the petitioner to file a comprehensive representation highlighting his grievances along with all documents in support of his claim to the aforesaid respondent within a period of ten days hereof.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

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(Amrita Sinha, J.)