

05.12.2022
Court No.14
Item no.01
AD

WP 21891 of 2022

Pallab Kumar Banerjee
Vs.
The State of West Bengal & Ors.

Mr. Narayan Chandra Mandal,
Mr. Chandan Chakraborty
Ms. Anushika Bharati
..... For the petitioner

Mr. Pinaki Dhole,
Ms. Tapati Samanta
..... For the State

The writ petitioner states that his mother, Tapati Roy (Banerjee), since deceased, was appointed as a Librarian on 1st September, 1983 in Pipla Palli Samity. The petitioner came to know later on that though his mother had Bachelor Degree in Library and Information Sciences (B Lib Sc) in the year 1982, she was given salary in terms of the pay scale applicable to the diploma holders in Library Sciences. The petitioner requested the authorities concerned to grant higher scale of pay which was admissible to his mother. Getting no response from the authorities concerned, the petitioner filed a writ petition being W.P No.15254(W) of 2019 in this Court. But the learned Single Bench dismissed the writ petition on 20th September, 2019.

Aggrieved by the order of dismissal, the petitioner filed

an appeal being MAT 1678 of 2019 and an application being CAN 12248 of 2019. On 5th January, 2021 the Hon'ble Division Bench was pleased to set aside the order of the learned Single Bench and directed the Director of Library Services, Government of West Bengal, to process the payment which was admissible to his mother, since deceased, in terms of ROPA, 1990 within a period of eight weeks from the date of communication of this order. The Director of Library Services, ultimately, disposed of the representation of the petitioner with the following directions:

“In view of the analysis stated above, it appears that the petitioner on behalf of his late mother is entitled to get higher scale on acquiring higher qualification. It is therefore ordered that the petitioner on behalf of his late mother is allowed the scale of pay Rs.1390-2970/- with effect from the date as indicated in Memorandum vide no.33 Edn(B) dated 07.03.1990 subject to the concurrence of Finance Department in Government of West Bengal.”

On 28th November, 2022 when the matter was taken up by this Bench, learned counsel appearing for the State respondent intimated to the Court that the Finance Department of the Government of West Bengal accorded the approval to the arrear pay which was admissible to the late mother of the petitioner.

A photocopy of a letter dated 3rd November, 2022 and a

copy of the bank statement filed on behalf of the State show that the Finance Department has approved the release of arrear claim of late Tapasi Roy, Ex-Librarian, the deceased mother of the petitioner and this amount of money has already been received by the petitioner.

Since the petitioner has already received the arrears pay which were admissible to his mother, since deceased, I think that the writ petition may be disposed of accordingly.

In view of the above, the writ petition stands disposed of.

No order as to costs.

(Rabindranath Samanta, J.)