

Court No. 22
19.12.2022
(Item No. 34)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 23815 of 2022

Jaya Dhibar
VS
The State of West Bengal & Ors.

Mr. Rudranil De

... for the petitioner

Ms. Chaitali Bhattacharya

Mr. Kartik Chandra Kapas

.....For the State

Mr. Amitava Chaudhuri

Mr. N. Roy

.... For DPI

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

The petitioner claimed to be a **State aided College Teacher, Category – I** at **Nistarini College, District – Purulia**. The petitioner claimed for arrear payment on account of his salary along with interest since the same was not paid in due time. The petitioner made representations from time to time and finally a justice demand dated July 11, 2022 made by the petitioner through its learned advocate, **Annexure P-11** to the writ petition and submitted before the respondent No. 3. The same is yet to receive attention from the respondent No. 3.

Mr. Rudranil De, learned advocate appearing for the petitioner submitted that, during pendency of this writ petition the petitioner had received his arrear salary without any interest. Thus the petitioner confirmed this Court that, he had no claim whatsoever on account of his arrear salary and the

claim in this writ petition today survives only on account of interest, if any, payable to the petitioner as claimed by the petitioner in accordance with law.

Mr. Amitava Chaudhuri, learned advocate appeared for respondent No. 3 submitted that, the amount to which the petitioner was eligible for both on account of arrear salary along with interest had already been paid in its entirety strictly in accordance with law and the petitioner cannot claim any further sum whatsoever on this score and accordingly this writ petition is not maintainable. Learned advocate further denied the contention of the petitioner.

Ms. Chaitali Bhattacharya, learned State counsel appears for respondent Nos. 1 and 2.

After considering the submission made on behalf of the parties and on perusal of the materials on record to sub-serve justice, respondent No. 3 is directed to consider the claim of the petitioner only on account of **interest** and not otherwise if any, or at any rate whatever is payable to the petitioner strictly in accordance with law in the light of the said justice demand dated December 11, 2022, **Annexure P-11** to the writ petition after giving at least seven days prior hearing notice to the petitioner and the respondent No. 5 and then after giving them an opportunity of hearing shall decide the issue with a reasoned order/decision strictly in accordance with law.

The entire exercise as directed above, shall be carried out and completed by the respondent No. 3 positively within a period of six weeks from the date of communication of this order by the petitioner to the respondent No. 3. The respondent No. 3 shall then communicate its reasoned decision/order to the petitioner and the respondent No. 5 within a further period of two weeks from the date of the said reasoned order to be passed.

It is made clear that, this Court has not gone into the merit of the claim of the writ petitioner in any manner. The petitioner and the respondent No. 5 shall be at liberty to urge whatever points they wish to urge but not beyond the scope as indicated above **only on account of interest** and will be at liberty to rely upon whatever records and documents they wish to rely upon before the respondent No. 3.

Since affidavits are not called for, the allegations made in the writ petition are deemed not to have been admitted by the respondents.

This order shall not create any equity or right in favour of the petitioner if, the petitioner is not eligible to receive any interest or the petitioner will be eligible interest to the extent strictly in accordance with law.

On the above terms, this writ petition being **WPA 23815 of 2022** stands disposed of.

There shall, however, be no order as to costs.

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

(Aniruddha Roy, J.)