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13.12.2022
S.D.

W.P.A. 26779 of 2022

**Dulali Khatun
Vs.
The State of West Bengal & Ors.**

Mr. Rudranil De
Mr. Ziaul Haque

...For the petitioner

Mr. Ansar Mondal
Mr. Suprabhat Bhattacharya

...For the State

The petitioner has been appointed to the post of 2nd Auxiliary Nurse and Midwifery, Department of Health and Family Welfare, Government of West Bengal. The appointment of the petitioner was made pursuant to an order passed by the Hon'ble Division Bench of this Court on July 15, 2014 passed in M.A.T. 30 of 2014.

The petitioner has been working at the said post since March 19, 2015. The petitioner has made a representation on July 10, 2019 praying for increment and other service benefits to be given to her by treating her to be in service from June 2009. The petitioner has prayed for notional benefits from June 2009 since her appointment was withheld without any valid reason and she had to finally approach this Hon'ble Court for being appointed.

Mr. De, learned counsel appearing on behalf of the petitioner submits that the representation dated July 7, 2019 has not been considered till date.

Mr. Bhattacharya, learned counsel appears on behalf of the State respondents.

Having considered the rival submissions of the parties and the materials placed on record, this Court finds that the representation dated July 10, 2019 has to be considered immediately and not later than three weeks by the Chief Medical Officer of Health, Murshidabad, Berhampore, by three weeks from date of communication of the order upon giving a personal hearing to the petitioner. The date of the Hon'ble Division Bench's order has wrongly been recorded as "July 15, 2019" in the representation.

Let that date be read as "July 15, 2014". The representation of the petitioner will be disposed of by a reasoned order and the same will be communicated to the petitioner within one week of passing thereof.

The representation of the petitioner has to be considered in the light of the Hon'ble Division Bench's order dated July 15, 2014 and upon consideration of the same, if the petitioner is found eligible to receive notional benefits from June 2009, the increment shall be given to the petitioner with

immediate effect. Any arrears of pay after notional increment, that is due and payable to the petitioner will also be released within six weeks from the date of passing of the reasoned order.

With the directions aforesaid, **W.P.A. 26779 of 2022** is **disposed of**.

Since no affidavits have been directed to be exchanged in the said writ petition, all the allegations contained therein are deemed not to have been admitted by the parties.

All parties shall act on the server copy of this order duly downloaded from the **website** of this Court.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all the formalities.

(Lapita Banerji, J.)