

18.
20.12.2022
S.D.

W.P.A. 27730 of 2022
Goutam Maitra
Vs.
State of West Bengal & Ors.

Mr. Abhirup Chakraborty
...For the petitioner
Mr. Biswabrata Basu Mallick
Mr. Sayan Ganguly
..For the State

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

The petitioner retired as an Upper Division Assistant from the Institute of Local Government and Urban Studies on October 31, 2018. The petitioner was superannuated from his service from September 6, 1996, but later reinstated pursuant to an order passed by this Hon'ble Court on November 30, 2006. The petitioner's case is that the petitioner was implicated in a false criminal case and was later acquitted by an order dated July 16, 2018 passed by the learned 3rd Court, Additional Sessions Judge at Barasat.

The petitioner was entitled to two increments under the Career Advancement Scheme (in short, "CAS"), but even though the petitioner was in service for more than 25 years, he was only given the benefit of one CAS. Furthermore, the petitioner was also entitled to cash-less medical treatment

under the 2014 Scheme, but no such benefits have been given to the petitioner.

Furthermore, the petitioner has claimed that he was not paid his salary from October 2017 to October 2018, despite several representations. The petitioner has made several representations since prior to and post his superannuation on October 30, 2018, i.e. on February 29, 2016 (for the purpose of being given the benefits of second CAS), August 2, 2018, February 22, 2019, April 5, 2019, July 8, 2019, July 16, 2019 and January 31, 2022. Furthermore, advocate's letters were also issued to the Principal Secretary, Government of West Bengal on June 20, 2022 and also to the Director, Institute of Local Government and Urban Studies on June 20, 2022.

The last representation was made on November 4, 2022 on behalf of the petitioner by the learned advocate.

Despite the aforesaid representations, the petitioner's case has not been considered.

Mr. Chakraborty, learned counsel appearing on behalf of the petitioner prays for consideration of such representations.

Mr. Basu Mallick, learned counsel appears on behalf of the State authorities.

In view of the submissions made by the parties and the materials placed on record, this Court directs the representations of the petitioner to be considered by the Director, Institute of Local Government and Urban Studies/the respondent no. 3 within six weeks from date upon giving a personal hearing to the petitioner. Representations of the petitioner will be disposed of by way of a reasoned order and the same will be communicated to the petitioner within two weeks of passing thereof.

In the event, it is found that the petitioner is entitled to the second Career Advancement benefits as well as the arrears of pay between the October 2017 and October 2018, the same shall be granted to the petitioner within six weeks of passing of the reasoned order.

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

With the directions aforesaid, the writ petition being **W.P.A. 27730 of 2022** is **disposed of**.

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.)