

30 26.09.2022
rkd Ct.15

W.P.A. 11897 of 2020

Wasim Firoz Khan

-vs-

The State of West Bengal & Ors.

Mr. K. J. Tewari,
Mr. R. Ghatak

....for the petitioner.

Mr. Supriyo Chattopadhyay,
Ms. Iti Dutta

....for the State.

The grievance of the petitioner is not granting the benefit of pay protection while joining the post of assistant teacher in G. N. Harinarayani Vidyapith, District- South 24 Parganas on 1st February, 2019 in consideration of the service of the petitioner which he rendered in Gabati A.H.M. Sr. Madrasah, District- North 24 Parganas from 6th November, 2013 to 31st January, 2019.

According to the petitioner while fixing his pay on joining the second school on 1st February, 2019 the past service of the petitioner from 6th November, 2013 to 31st January, 2019 ought to have been taken into consideration.

State respondents are represented by learned advocate who has drawn attention of this Court that one representation has been made by the petitioner dated 19th November, 2019 addressed to the District Inspector of Schools

(S.E.), South-24 Parganas being respondent no.4, and it has further been submitted that direction can be made upon the said respondent no.4 for consideration of such representation in accordance with law.

This Court has heard the learned advocates representing the parties and on finding that the representation of the petitioner dated 19th November, 2019 is still pending for consideration before the respondent no.4 the said respondent no.4 is directed to take decision on granting benefit of pay protection in favour of the petitioner by passing a reasoned order within a period of twelve weeks from the date of communication of this order.

The petitioner or his representative shall be given an opportunity of being heard by the respondent no.4 before taking such decision.

The decision to be taken by the respondent no.4 shall be communicated to the petitioner within one week thereafter.

With the aforesaid direction, the writ petition stands disposed of.

However, there shall be no order as to costs.

Urgent photostat certified copy of the order,

if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)