

29. 04.01.2023
bd. Ct.15

W.P.A. 3901 of 2020
(Assigned)

Hillol Mukherjee
-vs-
Union of India & Ors.

Mr. Shamim Ahammed
Mr. Arka Maiti
Ms. Saloni Bhattacharya
Ms. Ambiya Khatun
Mr. Sukhchand Sheikh
... for the petitioner.

Ms. Rajashree V.Kundalia
Ms. Ankita Sikdar
... for NIT Durgapur.

The writ petition is taken up for consideration pursuant to the order dated 14th December, 2022 whereby this Court directed the learned advocate representing the National Institute of Technology, Durgapur (for short “NIT Durgapur”) to disclose before this Court the outcome of the meeting of the Reassessment Committee dated 22nd March, 2018 wherein petitioner was asked to appear vide e-mail letter dated 16th March, 2018. Pursuant to such order Ms. Kundalia, learned advocate representing NIT Durgapur, has placed before this Court the decision of the Reassessment Committee which was signed by four members of the said committee on 22nd March, 2018. Such decision of the Reassessment Committee dated 22nd March, 2018 is taken on record.

In order to consider the issue involved in this writ petition this Court finds it apt to quote the said decision of the Reassessment Committee dated 22nd

March, 2018 below:-

“ Name of the Candidate

1) Shri Hillol Mukherjee

Recommendation.

Based on MHRD letter No. F 23-18/2008-TS-III dated 17.03.2010, MHRD Letter No. F.5-16/2008-TS. III dtd. 12.06.2012 on Restructuring of Non-Faculty Cadres and as approved in the 27th BOG dated 26.04.2013 vide item No. 27.13 regarding recommendations of Non-Faculty Officers and Staff Restructuring Committee, and as per Letter No. F 33-2/2013-TS-III dated 05.02.2014 from MHRD regarding Recruitment Rules (RRs) for Non-Teaching Posts and as per Letter No. F.33-2/2012-TS. III dated 20.12.2017 regarding Revised Recruitment Rules (RRs) for Non-Teaching Staff, the Reassessment Committee recommends for Re-designation of Shri Hillol Mukherjee from PTI to SAS Officer with GP of Rs. 5400/- with effect from the date of receiving information from the incumbent regarding his attainment of M.PED degree i.e. 28.08.2015.

The next up-gradation will be governed as per rules prevalent from time to time.

Committee Members for Re-Assessment
(Signature with date)

Dr. Biman Bandopadhyay
Registrar, IEST, Shibpur
Member

Prof. A. Gangopadhyay
Dean (F/W)
Member

Shri Uday Ch. Mukherjee
Registrar (I/C)
Member

Prof. Kamal Bhattacharya
Dean (P & D)
Chairman.”

It appears on perusal of such decision of the Reassessment Committee dated 22nd March, 2018 that the petitioner has been recommended for being redesignated from the post of Physical Training Instructor (PTI) to Students Activities and Sports

Officer (SASO). In view of such decision taken by the Reassessment Committee it appears chiefly the grievance of the petitioner has been redressed.

The concerned respondent authorities are directed to redesignate the petitioner as SASO with effect from 28th August, 2015 forthwith. The fixation of grade pay at Rs. 5400/- as it emanates from the decision of the Reassessment Committee dated 22nd March, 2018 is disputed by the learned advocate representing the petitioner on the strength of the order dated 17th March, 2010 of the Ministry of Human Resource Development, Department of Higher Education, which is annexed as P-4 to the writ petition.

It has also been contended on behalf of the petitioner that there is dispute with regard to date of retirement of the petitioner.

Considering such submissions made on behalf of the petitioner this Court grants leave to him to make a comprehensive representation seeking re-fixation of grade pay on redesignating him as SASO and for correction of date of retirement of the petitioner. If such representation is made within a period of four weeks from date the same shall be considered by the Registrar-in-Charge, National Institute of Technology, Durgapur, within a period of 12 weeks thereafter.

However, it is made clear before taking such decision opportunity of hearing to be given to the petitioner or his representative and reasoned order to be passed and same shall be communicated

within one week thereafter.

Leave is granted to the learned advocate for the petitioner to add Registrar-in-Charge, NIT Durgapur as additional respondent.

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.)