

WPA 6156 of 2019**Tripura Das****Vs.****The State of West Bengal & Ors.**

Mr. Manuwar Ali,
Ms. Moumita Karmakar

...For the Petitioner

Mr. Arjun Roy Mukherjee,
Ms. Tapati Samanta

...for the State

This Court is shocked to see how the State has ignored to pay a bare minimum remuneration to a Part-Time Group-C employee appointed against a sanctioned post with the approval of the State and following a regular recruitment process.

It appears that the seven non-teaching posts including the post of “Part-Time N.C.C. Clerk” were created in Suri Vidyasagar College at Birbhum by a Government order vide no. 439-Edn (CS) dated May 22, 1998 issued by the Higher Education Department.

The college had advertised the post on January 1, 1999 inviting applications from the prospective candidates. The petitioner had applied for the post of Part-Time N.C.C. Clerk and he was successful in the selection process and appointed on monthly allowance of Rs. 150/- per month, subject to approval of the Director of Public Instruction, West Bengal by the Governing Body of the said College on May 31, 1999. The petitioner joined his service on June 2, 1999. Most significantly, the Director of Public Instruction by a memo no. 681-C dated March 29, 2000 approved the

service of the petitioner with effect from June 23, 1999.

The petitioner filed a writ petition, W.P. 15489 (W) of 2013 (***Tripura Das Vs. State of West Bengal & Ors.***) before this Court praying enhancement of his salary, which was disposed of by a Co-ordinate Bench of this Court with a direction upon the State to take a decision on the issue taking into consideration a circular issued by the Finance Department, bearing memo no. 3727-F dated May 20, 2009 or any other circular applicable on the subject.

Following that order dated September 18, 2013, the Secretary to the Higher Education Department, Government of West Bengal by an order dated January 7, 2014 directed that the petitioner being a Part-Time Clerk would be covered by the aforesaid memo and held that he was entitled to a remuneration of Rs. 2,000/- per month without any allowance with effect from the date of issuance of that order.

There is no dispute that the petitioner is still continuing his service with the said remuneration of Rs.2,000/- per month without any enhancement or any additional allowance.

This writ petition has been filed by the petitioner claiming the benefit of memo dated February 8, 2019 issued by the Finance Department of the State which, inter alia, entitles a Group-C employee engaged for more than twenty years to a monthly remuneration of Rs.

24,500/-

In course of hearing of this writ petition, on July 26, 2023, this Court passed the following orders :

“It appears that the petitioner’s appointment as a “Part time N.C.C. clerk” was approved by the Director of Public Instruction by his order dated March 28, 2000.

It is the grievance of the petitioner that he is receiving a meager salary of Rs. 2,000/- per month.

Despite service the college is not represented.

The State shall take specific instruction as to the salary of an approved “Part time N.C.C. clerk” appointed in a Government-aided college.

A copy of the approval order dated March 28, 2000 has been made over to the learned advocate appearing for the State.”

When this matter was taken up for hearing today, the State could not furnish the required information in terms of the order dated July 26, 2023.

First of all, it has to be noticed that by applying the Government Order No. 3727-F dated May 20, 2009 the State decided to pay the remuneration of a “Part-Time Group-D employee” to the petitioner whereas he was a “Group-C Part-Time Clerk”.

The State has not been able to produce any Government order relating to the remuneration of a Part-Time Group-C employee in a Government aided college who has been serving against a sanctioned post with the approval of the Director of Public Instruction, West Bengal.

I am of the definite view that till date, the petitioner has not been paid his legitimate remuneration by the State.

In the above circumstances, I direct the Principal

Secretary, Finance Department, Government of West Bengal to prescribe a specific pay for the employees like the petitioner who have been appointed as a Part-Time Group-C employee against a sanctioned post and serving in the said post with the approval of the Government within three months from the date of communication of this order.

For the ends of justice, as an interim measure, the State shall pay a sum of Rs. 24,500/- per month to the petitioner in terms of the Government Order No. 1033-F (P2) dated February 8, 2019 issued by the Finance (Audit) Department with effect from September 1, 2023.

It is made clear that unless and until, the Finance Department issues specific order prescribing the pay of the petitioner, the petitioner will continue to enjoy the remuneration, as indicated above.

WPA 6156 of 2019 is disposed of.

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

(Kausik Chanda, J.)