

WPA 6100 of 2016
Dipankar Chakraborty
Vs.
Union of India & Ors.

Mr. Indranath Mitra

...for the Petitioner

Mr. Subrata Mukhopadhyay,
Ms. Basabi Ray Choudhuri,
Ms. Kakali Dutta

...for the Respondent Nos. 3 to 6, 8.

Mr. Brojesh Jha

...for Union of India

On November 1, 1996, the petitioner was appointed as Officer-on-Special Duty by respondent no. 6, which, at that point of time, was known as the Bengal Engineering College and had the status of a “Deemed University” under the State.

Afterwards, the petitioner filed repeated writ petitions before this Court claiming to be recognised as the Deputy Registrar of the said university. This Court passed different orders at different times on those writ petitions. It is not necessary to narrate the history of those litigations in this order.

Fact remains that on September 7, 2009, the petitioner was appointed as the Assistant Controller of Examination of respondent no. 6. At that point of time, respondent no. 6 was known as the “Bengal Engineering and Science University”.

The petitioner now seeks in the benefit of the past service rendered by him as Officer on Special Duty for the

period from November 1, 1996 to September 6, 2009.

The respondent no. 6 appears to have considered the prayer of the petitioner and disposed of the same by an order dated April 7, 2015, which has been disclosed in the affidavit-in-opposition (Annexure A-2) of respondent no. 6, although this writ petition is silent about the said order.

With regard to the claim of petitioner, it was, inter alia, observed as follows :-

“AND WHEREAS

After joining of Sri Dipankar Chakraborty, working as OSD since 1.1.1996, to the post of Assistant Controller of Examination, the post of OSD created by BOG in the scale identical to that of erstwhile ‘Deputy Registrar’ of Rs. 1560-3570/- and with the qualification similar to ‘Deputy Registrar’ as prescribed by the State Government, in lieu of the sanctioned post of erstwhile B.E. College fell vacant. Till date no approval of the State government was made for creation of the post by BOG in lieu of the sanctioned post of erstwhile “Deputy Registrar”.

Note : it has to be noted that the post of Dy. Registrar in a university and the post of OSD are not at all same and identical in all respect, i.e. qualification, experience etc. The post of Deputy Registrar of a University is a senior level executive post and post of ‘Deputy Registrar’ of erstwhile B.E. College or post of OSD created by the BOG is a non-executive post equivalent to Office Superintendent of the University. The pay in the pay bank of Deputy Registrar of the University is Rs. 15,600-39,100

with Grade pay Rs. 8000/- and the pay band of Rs. OSD is Rs. 9,000-28,300/- with Grade pay Rs. 4,600/-

And Therefore in the above background the undersigned is of the opinion that to resolve the issue of continuation of service for retirement benefits, the post of OSD created by BOG in lieu of the post of erstwhile 'Deputy Registrar' and the service already rendered by Sri Dipankar Chakraborty as OSD since his joining on 01/11/1996 to the post be approved by the State Government as resolved in the meeting of the Executive Council.

Without approval of the government as regard the claim of the petitioner, the prayer of the petitioner cannot be accepted. The petition is accordingly disposed of."

Respondent no. 6 has been renamed as the "Indian Institute of Engineering Science and Technology". It runs under the aegis of the Ministry of Higher Education of the Union. Therefore, at this juncture, the State has got no role to play with regard to the prayer of the petitioner.

I do not find any justification to keep this writ petition pending.

Mr. Subrata Mukherjee, learned advocate appearing for respondent no. 6 submits that respondent no. 6 will forward the order dated April 7, 2015 issued by the Registrar to the Department of Higher Education, Ministry of Education of the Union.

The said department, in turn, will consider the case

of the petitioner in accordance with law and pass an appropriate order within a period of two months from the date of communication of this order.

Accordingly, WPA 6100 of 2016 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.)