

11.08.2023
DL-212
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 8912 of 2022
with
CAN 1 of 2023

Kalisankar Bose & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Arup Kumar Lahiri,
Mr. Udayan Datta
.....for the petitioner.

Mr. Ram Mohan Pal
.....for the respondent no.3.

Mr. Siddhartha Banerjee,
Mr. Soumajit Majumder
.....for High Court Administration.

The report filed on behalf of the respondent no.3/District Judge, North 24-Parganas is retained with the records.

From the report it appears that the petitioners retired from different ranks from the Judgeship of North 24-Parganas.

After granting several opportunities to the learned District Judge finally a report has been filed on behalf of the learned District Judge in Court today. The learned District Judge seems to have reiterated what this Court has already observed before.

It is stated in the report that there is no order similar to Establishment Order No.19 dated June 30, 2020 issued by the District Judge, Purba Medinipur

on the basis of the Government Order dated January 24, 2020, ever passed by the office of the District Judge, North 24-Parganas.

The precise query of this Court was why such an order was not passed by the learned District Judge, North 24-Parganas for the employees attached to it when the High Court Administration had no objection to the benefits/emoluments as recommended by the Shetty Commission being granted to the employees attached to the District Judgeship of North 24-Parganas.

The question raised by this Court was not answered by the learned District Judge by simply stating that there was no memo passed by the District Judge, North 24-Parganas that was similar to the memo passed by the District Judge, Purba Medinipur, vide order dated June 30, 2020. The District Judge apparently constituted a committee comprising of the senior most staff pursuant to the Government Order dated January 24, 2020. The said committee was constituted vide order dated December 22, 2020. There is no explanation at all why after such committee was constituted the District Judge took no steps to get a report furnished by the said committee. No explanation has been given as to why the

representations made by the petitioners since 2021 have not yet been answered by the District Judge.

Furthermore, from the report it transpires that the stand of the learned District Judge is that, as and when the procedure is completed by the committee constituted in December, 2020, the District Judge will be giving the benefits to the employees/retired employees.

Considering the submissions of the parties and the materials placed on record and the stand of the learned District Judge, this Court is of the view that there is no legal impediment in implementation of the recommendations of the Shetty Commission for the employees/retired employees attached to the District Judgeship of North 24-Parganas.

Accordingly, this Court directs the committee constituted vide order dated December 22, 2020 to furnish a report within a month from date. Upon furnishing of such report, the entitlement of the petitioners to the revised pension and other benefits including arrears of salary shall be computed and released to the petitioners within 3 months from the date of this order.

With the directions aforesaid, **WPA 8912 of 2022** with **CAN 1 of 2023** is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Hon'ble Court.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Lapita Banerji, J.)