

12.07.2023  
Item No. **41ML**  
Ct. No.5  
CHC

**W.P.S.T.125 of 2015**

**Shri Subodh Kumar Mukherjee & anr.**

**Vs.**

**The State of West Bengal & ors.**

Ms. Shraboni Sarkar  
...for the writ petitioners

Mr. Tapan Kr Mukherjee, Sr. Advocate & A.G.P.  
Mr. Somnath Naskar  
...for the State

The writ petition is directed against an order dated May 15, 2013 passed by the West Bengal Administrative Tribunal in T.A.1640 of 1996.

By the impugned order, the Tribunal did not interfere with the decision of the State Government regarding upward revision of the scale of pay to the post of Pharmacist/Compounder/Compounder-cum-Clerk/Compounder-cum-Store Keeper and Ophthalmic Assistant without effecting similar revision in the case of Store Keeper/Assistant Store Keeper/Instrument Ledger.

The writ petitioners approached the High Court under Article 226 of the Constitution of India assailing Memorandum No.11140-F dated November 9, 1995 by which, Pharmacist/ Compounder /Compounder-cum-Clerk/ Compounder-cum-Store

Keeper and Ophthalmic Assistant were given upward revision of scale of pay.

Tribunal considered the rival contentions of the parties. The Tribunal expressed the view that judiciary should best leave the issue of fixation of scale of pay to the administration. At the same time, the Tribunal noted that such observation did not mean that judiciary was without jurisdiction in looking into and considering whether there was any arbitrariness in the decision of pay fixation or not.

Adverting to the facts of the case, the Tribunal found that, the post of Store Keeper/ Assistant Store Keeper/ Instrument Ledger to which the category the writ petitioners belonged to was not entitled to the same upward scale of pay in view of the fact that, the question of revision of scale of pay of such post was referred to a Pay Review Committee constituted by the Government and based on the recommendation of the Pay Review Committee, the State Government revised the pay of scale on some of the posts. The Tribunal did not find such action of the State to be arbitrary, unfair or violative of any law or provision of the constitution.

Attention of this Court was not drawn to any fact to establish that there was any arbitrariness in the decision making process. Moreover, it cannot be said that, the nature of work of the posts were

absolutely same warranting an upward revision of scale of pay for the writ petitioners. Upward revision of scale of pay was considered by the Pay Review Committee that the posts to which the petitioners belonged was not favoured. We need not enter such arena in the facts and circumstances of the present case.

In such circumstances, we find no merit in the present writ petition.

W.P.S.T. 125 of 2015 is dismissed without any order as to costs.

**(Debangsu Basak, J.)**

**(Md. Shabbar Rashidi, J.)**