

Court No. 22

25.9.2023

(Item No. ML-
173)

(AB)

**IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side**

WPA 10498 of 2019

Sankar Kumar Chatterjee

v.

The State of West Bengal & Ors.

Mr. Dilip Kumar Maiti

..... for the petitioner

Mr. Dilip Kumar Maiti, learned counsel
appears for the petitioner.

None appears for the respondents.

The petitioner claimed that the petitioner was
working as an Assistant Teacher lastly at
**Kanthalberia Harakumar Vidyaniktan, District –
Nadia.** The petitioner has retired on **December 31,
2017.** The petitioner claimed an increment under
RPOA – 1998.

Referring to page 11 onwards to the writ
petition learned counsel for the petitioner submits
that, the respondent Nos. 5 and 6 have already
forwarded all the records/papers/bills relevant for the
petitioner before the respondent No. 2 way back on
February 20, 2012 but since then the same has not
received attention of the State authority.

Considering the issue involved in this writ
petition and upon perusal of the materials on records
it appears to this Court that, no fruitful purpose
would be served by keeping the writ petition pending

any further and accordingly the same is taken up for disposal.

To sub-serve justice, the respondent No. 2 is directed to issue a prior hearing notice of at least seven days to the petitioner and the respondent Nos. 5 and 6 and after giving them an opportunity of hearing shall pass a reasoned order on the issue in accordance with law on the basis of the documents available in the writ petition at **page 11 onwards** as referred to above.

The entire exercise as directed above shall be carried out and completed by the respondent No. 2 positively within a period of **six weeks** from the date of communication of this order and the respondent No. 2 then shall communicate its order to the petitioner and the respondent Nos. 5 and 6 within a further period of **two weeks** from the date of the reasoned order to be passed.

It is made clear that, this Court has not gone into the merits of the claim of the petitioner in any manner whatsoever and the petitioner and the respondent Nos. 5 and 6 shall be at liberty to urge whatever points they wish to urge by relying upon whatever documents and records they wish to rely upon before the respondent No. 2.

It is made clear that, this order shall not create any equity or right in favour of the petitioner, if the

petitioner is not eligible to receive his claim strictly in accordance with law.

In the event, reasoned decision goes in favour of the petitioner the respondent No. 2 and the other authorities and/or respondents shall take necessary and consequential steps to give effect thereto forthwith but positively within a period of four weeks from the date of the said reasoned order to be passed.

Since affidavits are not called for, the allegations made in the writ petition are deemed not to have been admitted by the respondents.

On the above terms, this writ petition being **WPA 10498 of 2019** stands disposed of.

There shall, however, be no order as to costs.

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

(Aniruddha Roy, J.)