

Court No. 22
12.10.2023

(Item No. ML-
142)

(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 15997 of 2017

Ramesh Hembram
VS
The State of West Bengal & Ors.

Mr. Kanai Lal Samanta
..... for the petitioner
Mr. Supriyo Chattopadhyay
Mr. Sabyasachi Mondal
.... For the State

Mr. Kanai Lal Samanta, learned counsel,
appears for the petitioner.

Mr. Sabyasachi Mondal, learned advocate led
by Mr. Supriyo Chattopadhyay, learned Additional
Government Pleader appears for respondent Nos. 1 to
4.

The office report dated January 17, 2018
shows that despite there being direction by a co-
ordinate bench on August 16, 2017 no affidavit-in-
opposition has been filed.

Considering the issue involved in the writ
petition and considering the fact that, despite
direction no affidavit-in-opposition has been filed, this
Court is of the considered view that, no fruitful
purpose will be served by keeping this writ petition
pending any further. Accordingly, this Court proceeds
to consider the writ petition for disposal.

The parties appearing today have agreed to proceed with the hearing of the writ petition on the existing materials on record.

Pursuant to the leave granted by this Court on August 8, 2023 a supplementary affidavit affirmed by the petitioner on August 23, 2023 is taken on record. Copy has already been served upon Mr. Mondal, learned State advocate.

Referring to **Annexure P-18** at **page 8** to the said supplementary affidavit Mr. Samanta, learned counsel for the petitioner submits that, the necessary pay fixation has been made by the respondent Nos. 3 and 4 and the same is required to be implemented and given effect to by the respondent No. 4 in favour of the petitioner which is lying pending since January 2020.

The pay fixation was made on January 17, 2020.

In the light of the said pay fixation, Mr. Samanta has informed this Court that, the respondent No. 6 has already calculated the amount of arrear to be payable to the petitioner and also submitted the said calculation before the respondent No. 4 on **November 23, 2021**.

In the premises, the respondent No. 4 shall do the needful and give effect to the said pay fixation in favour of the petitioner in the light of the document being **Annexure P-18** at **page 8** to the supplementary

affidavit and take all steps and consequential steps for making payment to the petitioner in terms thereof.

The entire exercise as directed above, shall be carried out and completed by the respondent No. 4 positively within a period of **four weeks** from the date of communication of this order without any delay and default.

On the above terms and with the above directions this writ petition being **W.P.A. 15997 of 2017** stands **allowed**.

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.)