

43.
17.8.2023
S.D.

W.P.A. 18484 of 2023

**Pradip Kumar Sarkar & Ors.
Vs.
The State of West Bengal & Ors.**

Mr. Santi Pada Pahari
Ms. Piuli Koley
..For the Petitioners
Ms. Deblina Chattaraj
Ms. Angana Dutta
...For the Respondent Corporation
Mr. Subrata Guha Biswas
...For the State

An undertaking is given to pay the deficit Court fees by tomorrow, i.e. August 18, 2023. In default of payment of Court fees, the writ petition shall stand dismissed.

The case of the petitioners is that when they were appointed as Fitters, Welders etc. (Technical staff), the scale of pay was Rs.240-10-296-14-380-15-515. The scale of pay for Drivers and Conductors of Calcutta Tramways Company (1978) Limited who were appointed during that time was also the same. However, after the recommendations of the 5th pay Commission were implemented, anomaly arose in the scale of pay fixed by the Government payable to the Fitters/Welders with the scale of pay payable to the Tram Drivers/Conductors.

By an order dated June 13, 2022 passed in W.P.A. 4506 of 2011, an Hon'ble Coordinate Bench of this Court directed the grievances of the petitioners to be considered by the Managing Director, WBTC erstwhile CTC. The petitioners' grievance with regard to payment at a lower scale of pay by their employer was required to be considered. Pursuant to the said order passed by the Coordinate Bench, the Managing Director, WBTC considered the representation of the petitioners. The Managing Director was of the view that the representation of the petitioners dated October 22, 2008 for being paid at the same pay scale along with the Tram Drivers/Conductors could not be acceded to approved since the Pay Commission itself recommended the scale of pay to the different categories of employees of the Corporation concerned. Therefore, it was not open to the Corporation/WBTC to modify the scale of pay recommended by the Government.

Learned counsel appearing on behalf of the State respondents submits that no instructions can be brought on record today.

Considering the rival submissions of the parties and the materials placed on record, this Court is of the view that justice will be sub-served by directing the Managing Director,

WBTCL/the respondent no. 4 to consider the pay anomaly of the petitioners concerned, taking into account their letters of appointment and the scale of pay in such letters of appointment, vis-à-vis, the Drivers and Tram Conductors appointed during the same period within two months from date. The anomalies that have been raised by the writ petitioners may be considered and a recommendation may be forwarded in accordance with law, by the Managing Director for consideration of *removal* of such *pay anomalies* by the appropriate authority/the Pay Anomaly Committee.

With the directions aforesaid, **W.P.A. 18484 of 2023** is **disposed of**.

Since no affidavits have been directed to be exchanged in the present writ petition, all the allegations contained in the petition are deemed not to have been admitted by the parties.

All parties shall act on the server copy of this order duly downloaded from the official **website** of this Court.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all the formalities.

(Lapita Banerji, J.)

