

22.09.2023

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W.P.A. 18405 of 2019

Smt. Samita Halder (Pal)

Vs.

Jaynagar Majilpur Municipality & ors.

Mr. Samiran Mondal

Mr. Mrinal Kanti Sardar

Ms. Ankita Mukherjee

... for the petitioner

Ms. Munmun Tewary

Ms. Indrani Nandi

... for the State

Mr. Habibur Rahaman

Mr. Archishman Singh

... for the Municipality

This writ petition has a chequered history wherein the Division Bench of this Court by an order dated 20th March, 2014 had directed as follows :

“ ”

We, therefore direct the appellants herein to grant the benefit of higher scale of Upper Division Clerk to the respondent/writ petitioner while discharging the duties as Tax Collector. However, the said respondent/writ petitioner cannot be appointed to the post of Head Clerk of the Municipality at this stage since the said post has not yet fallen vacant and presently occupied by the respondent no.6.”

Subsequently, a contempt petition was moved bearing CPAN 402 of 2014 in FMA 1139 of 2015. In the order dated 17th July, 2015 the learned Advocate representing the alleged contemnor (Chairman of the Jaynagar-Mazilpur Municipality) had submitted before

the Court that earlier order passed by this Court will be complied with within 24th July, 2015 and the petitioner would be granted the benefit of higher scale of Upper Division Clerk in compliance with the order passed by this Court.

However, it appears that due to a letter issued by the Director of Local Bodies, West Bengal & Commissioner, U.D. & M.A. Department dated 23rd July, 2019, the pay scale of the petitioner was reduced by the concerned Municipality by a letter dated 21st August, 2019.

It is clear that this letter issued by the Municipality and the earlier letter issued by the Director of Local Bodies, West Bengal are without any authority and absolutely in contravention of the Division Bench order passed and the undertaking given by the Chairman, Joynagar-Mazilpur Municipality.

It is to be noted that the office of the Joynagar-Mazilpur Municipality had thereafter issued a letter dated 12th September, 2019 seeking an amount of Rs.4,85,035/- from the petitioner as the same supposedly had been overdrawn by the petitioner. It is clear that this letter is not in consonance with the Division Bench order and is accordingly, quashed and set aside.

Counsel for the Municipality has also conceded that the undertaking was given by the Municipality and the same should have been complied with.

In light of the same, the order dated 12th September, 2019 is quashed and set aside. Furthermore, the order passed on 21st August, 2019 reducing the pay of the petitioner passed by the Chairman, Joynagar-Mazilpur Municipality is also quashed and set aside.

With the above direction, this writ petition is disposed of.

Parties are to act on the basis of *website* copy of this order.

(Shekhar B. Saraf, J.)