

WPA 28432 of 2017
with
CAN 2 of 2020 (Old CAN 1939 of 2020)

West Bengal Court Bailiff Association & Anr
vs.
The State of West Bengal & Ors.

Mr. Shayak Mitra
Mr. Mujibar Rahman

...for the Petitioners

Mr. Arjun Roy Mukherjee
Ms. Tuli Sinha

...for the State/respondents

In Re: CAN 2 of 2020

This is an application for early hearing of the writ petition being WPA 28432 of 2017. By consent of the parties the writ petition is taken up for hearing. Accordingly, **CAN 2 of 2020** is **disposed of**.

Re: WPA 28432 of 2017

The grievance of the petitioners is that they have not been given proper benefits of the recommendations of Shetty Commission which came into effect from 2003. The petitioner No. 1 is an association of Court Bailiffs working in different district judiciaries. By a Memo dated July 20, 2012, the recommendations of Shetty Commission was directed to be implemented for Summon Bailiffs and Seal Bailiffs. However, by a Notification dated May 14, 2015 issued by the Finance (Audit) Department, Government of West Bengal vide Memo No. 3800-F(P), the benefits were directed to be given to Bailiffs/Seal Bailiffs who were already enjoying Scale-6. However, such benefits were not given to the Bailiffs/Process Servers/Summon Bailiffs who were working in Scale-5. By the said notification it was also

held that the Process Servers who were getting a higher scale of pay despite not possessing the required qualification of Matriculation would continue to get the same scale. Their pay at a higher scale would stand ratified as a one time measure.

The petitioners' grievance is that the petitioners were being discriminated without any justifiable cause. There was no reason why increments could only be granted to the Seal Bailiffs who were working in Scale – 6.

Mr. Mitra, learned counsel appearing on behalf of the petitioners submits that the petitioners being Summon bailiffs could not be discriminated against the Seal Bailiffs working in Scale – 6.

Mr. Roy Mukherjee, learned counsel appearing on behalf of the State authorities submits that a fresh representation is required to be made by the petitioners for consideration of their grievances.

Considering the rival submissions of the parties and the materials placed on records, this Court directs a fresh representation to be made by the petitioners within one month from the date of the order. In the event, a representation is made within one month, the same will be disposed of by the respondent No. 2/the Secretary to the Government of West Bengal, Finance Department within eight weeks from date upon giving a personal hearing to the petitioners. The representation of the petitioners will be disposed of by a reasoned order. Such reasoned order shall be communicated to the petitioners within two weeks of passing thereof.

In disposing of the representation of the petitioners the respondent No. 2 or any other authority delegated by him will take into consideration the fact that the higher scale of pay in respect of the Process Servers have been ratified as a one time measure. It will

also be taken into consideration that no discrimination can be made between one group of employees *qua* the other group of employees. The Secretary, Finance Department has to give reasons why the *Seal* Bailiffs in **Scale No. 6** were allowed to continue with their increment whereas the *Summon* Bailiffs in **Scale No. 5** were not allowed the same.

The representation of the petitioners will be considered sympathetically.

With the directions aforesaid, **WPA 28432 of 2017** is **disposed of**.

All parties are to act on a server copy of this order downloaded from the official website of this Hon'ble Court.

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

(Lapita Banerji, J)