

110 01.5.2023
Sc Ct. no.22

WPA 29371 OF 2016

Sri Pinaki Chattopadhyay & Anr.

Vs.

The State of West Bengal & Ors.

Mr. Subhrata Ghosh

....For the Petitioners

Mr. Supriyo Chattopadhyay

Mr. Lal Mohan Basu.

....For the State

Several individual writ petitioners filed this writ petition. They claimed arrears of their salary.

Mr. Subrata Ghosh, learned advocate for the petitioners drawing attention to **Annexure-P2 at page 26 to the writ petition** which is an order dated September 9, 2023 passed by a coordinate Bench in an identical writ petition, submitted that, the coordinate Bench had allowed the claim of the petitioners and directed the State authority to pay. Learned advocate submitted that, these writ petitioners are also similarly placed as that of those petitioners in **WP 3222 (W) of 1998**.

Pendency of this writ petition will cause unnecessary delay, since the version of the State authorities is also required.

In view of the above, to subserve justice, the petitioners shall be at liberty to file a composite representation before **The Secretary, Department of Technical Education and Training, State of West**

Bengal positively within a period of three weeks from date.

It is made clear that such representation and the claim of the petitioner therein ***shall not travel beyond the scope of this writ petition*** in any manner.

In the event, such representation is submitted, the concerned Secretary upon issuing at least a seven days' prior hearing notice to the petitioners and the respondent no.3 shall decide the same upon giving them an opportunity of hearing and shall pass a reasoned order thereupon in accordance with law.

The entire exercise as directed above, shall be carried out and completed by the concerned Secretary positively within a period of six weeks from the date of receipt of such representation from the petitioner. The concerned Secretary then shall communicate its reasoned decision to the petitioners and the respondent no.3 within a further period of two weeks from the date of the said reasoned order to be passed.

It is made clear that, this Court had not gone into the merits of the claim of the petitioners in any manner and the petitioners and the respondent no.3 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 concerned Secretary.

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

It is made clear that, this order shall not create any equity or right in favour of the petitioners in the event they are ineligible to receive their claim strictly in accordance with law.

In the event, the reasoned decision goes in favour of the petitioner, the appropriate authority shall immediately take all consequential steps to give effect to the said reasoned decision but positively within a period of six weeks from the date of the said reasoned decision to be communicated to such appropriate authority by the petitioners.

This order shall be effected subject to payment of individual ad valorem court fees by the individual writ petitioner, if not paid.

On the above terms, this writ petition **WPA 29371 of 2016** stands disposed of, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)