

**IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
Constitutional Writ Jurisdiction**

W.P.A. 1175 of 2021

Munshi Md. Salehin

vs.

State of West Bengal & Ors.

Mr. Sourav Ganguly

K. S. Alam

Mr. Gopal Roy

... For the Petitioner

Mr. Subir Kr. Saha

Momenur Rahaman

... For the State

The petitioner prays for grant of arrear salary for the period 23rd June, 2001 to 31st March, 2018 amounting to Rs.16,43,399/- in terms of the order of this Court dated 27th August, 2018 in W.P. No. 25608(W) of 2010.

The relevant portion of the order is set out :

“The writ petition is disposed of directing the District Inspector of Schools (S.E.), Cooch Behar to grant scale of pay to the petitioner taking into account his M.M. qualification on and from the last date of his examination i.e., 23rd June, 2001.

The calculation to be made within a period of 8 weeks from the date of receipt of a copy of this order. The said respondent is directed to release all arrear payments within a period of 8 weeks thereafter and to release the current pay in accordance with his enhanced

qualification as soon as the calculation is made.”

Learned counsel for the petitioner submits that though the scale of pay has been granted to the petitioner, the arrear payments have not been made as yet.

It is most unfortunate to note that despite a specific order of this Court, the concerned authority has not found it necessary to comply with the same till date.

It is pointed out by learned counsel for the respondents that upon assessment of arrear salary payable to the petitioner, the District Inspector of Schools (S.E.), Coochbehar wrote to the Director of Madrasah Education, West Bengal on 5th February, 2021 for release of fund for the purpose. Learned counsel submits that such fund has not been released as yet.

In view of the above, the writ petition is disposed of directing the 2nd respondent to release the required fund and take all necessary steps for disbursement of the same in favour of the petitioner in compliance with the order of this Court passed on 27th August, 2018 in W.P. 25608(W) of 2010 within one month from the date of communication of this order.

Since payment of arrear salary has been withheld by the authority till date, the concerned authority being the 2nd respondent herein is directed to pay interest to the petitioner on the said amount at the rate of 8% per annum from 23rd June, 2001 till the actual payment of the amount.

The writ petition is thus disposed of.

Since, no affidavit-in-opposition has been called for, the allegations made in the writ petition are deemed to have not been admitted by the respondents.

There will be no order as to costs.

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

(Suvra Ghosh, J)