

21.11.2024
Item No.55
Ct. no. 551
S. Das

WPA 59 of 2017

Sri Shyamal Kumar Hazra

-vs-

W. B. S. E. D. C. L & Ors.

Mr. Tapas Dey
Mr. Tapan Sarkar
Mr. Sandip Kumar Maiti
.... For the petitioner.

Mr. Sujit Sankar Koley
.....for the WBSEDCL.

1. By filing the instant writ petition the writ petitioner has prayed for issuance of appropriate writ; more specifically a writ of mandamus upon the respondent authorities for disbursing higher scale of pay with effect from 01-04-2009 pursuant to the Office Order No. 144 dated 26-06-2009.
2. It is undisputed that the writ petitioner superannuated from the post of Superintending Engineer of the respondent no. 1 authority with effect from 30th April, 2009.
3. In course of hearing, learned advocate for the writ petitioner draws attention of this Court to page 25 being a copy of Office Order No. 89 dated 16-02-2009 as issued by the respondent no. 1 Authority whereby and whereunder West

Bengal State Electricity Distribution Company Limited (Revision of pay and Allowances) Rules, 2009 was given effect on and from 1st January, 2006. It is submitted that pursuant to the minutes of the 12th meeting of the Board of Directors of the respondent no.1 Company, a Special Service Linked Scheme was brought into effect from 01-06-2009 for allowing some financial benefits to the employees who were holding 3rd level posts of Class-I level and have completed more than 25 years of continuous and satisfactory service since their direct induction in Class-I regular posts.

4. It is submitted that the present petitioner though fulfilled all the criteria for getting the benefit vide Officer Order No. 144 dated 26-06-2009 but the writ petitioner was deprived of such benefits since the writ petitioner retired on 30th April, 2009 that is only before one month of the date of giving effect of the said Office Order No. 144 dated 26-06-2009.
5. It is submitted further that it is a fit case for allowing the instant writ petition by directing the respondent authorities to disburse the pay benefit including the pensionary benefit

pursuant to the Officer Order NO. 144 to the writ petitioner.

6. While opposing the said contention, learned advocate for the respondent authorities submits before this court that the Office Order dated 144 dated 26-06-2009 has been issued pursuant to the decision taken by the Board of Directors of Company on 24-06-2009 in its 12th meeting.
7. It is further submitted that the issuance of such Office Order comes within the administrative domain of the respondent no.1 Authority and unless it has been noticed that such administrative domain is perverse and/or not in accordance with law, the scope of judicial review is very limited.
8. On perusal of the entire materials as placed before this Court and after hearing the learned advocates for the contending parties, it appears to this Court that admittedly by Office Order No. 144 dated 26-06-2009, a Special Beneficial Service Linked Scheme was introduced by the respondent no.1 Authority and such Office Order clearly specified the criteria for availing such benefit and at the same time the said Officer Order is very much specific about the date of its implementation.

9. It appears to this Court that the Office Order No. 144 dated 26-06-2009 is the outcome of the minutes of the meeting of the Board of Directors of the respondent no.1 Authority and, therefore, by no stretch of imagination it can be said that the Office Order No.144 dated 26-06-2019 is either arbitrary or perverse.
10. It further appears to this Court that it is within the administrative domain of the respondent no.1 Company to fix a cut-off date for implementation of a beneficial scheme for its employees. In the case in hand, such scheme has been introduced with effect from 01-06-2009. Materials have been placed before this Court that the writ petitioner retired on 30th April, 2009 and, therefore, the present writ petitioner does not come under the consideration zone and, therefore, the writ petitioner has got no valid claim to get the benefit of the said Office Order No.144 dated 26-06-2009.
11. This Court, thus, finds no merit in the writ petition and accordingly the writ petition being WPA 59 of 2017 is dismissed.
12. There shall be no order as to costs.
13. Interim order, if any, stands vacated.

14. Urgent photostat copy of this order, if applied for, be given to the parties after due compliance.

(Partha Sarathi Sen, J.)