

12-07-2024
ct no. 13
Sl. 40
sp

WPA 1361 of 2024
Jayanta Ghosh & Ors.
-Versus-

The State of West Bengal & Ors.

Mr. Sudipta Dasgupta,
Mr. Saikat Sutradhar

..for the petitioners

Mr. Bhaskar Prasad Vaisya,
Mr. Ranjan Saha

..for the State

Mr. Bhaskar Prasad Vaisya,
Mr. Pinaki Bhattacharya

..for the DPSC, North 24 Parganas

1. The evidence of payment of Court fees has been shown to Court. The hard copy of the same shall be filed before this Court in course of the day.
2. The writ petitioners filed WPA 12713 of 2013 being aggrieved by the fact that they were not appointed despite succeeded in the recruitment process of the year 2006 that was completed in the year 2010.
3. By an order dated 20th April, 2015, a Single Bench of this Court in the said WPA 12713 of 2013 directed appointment letters to be given to the petitioners.
4. The respondents did not comply with the same and contempt proceeding was initiated. The petitioners were thereafter issued letters of appointment on 27th August, 2023. The petitioners joined service on 28th August, 2023.

5. The petitioners claim that they were entitled to appointment in the year 2010 itself, the respondents ought to be directed to give effect to the appointment with effect from 2010.
6. Having regard to the facts and circumstances of the case, this Court is of the view that the delay in issuing letters of appointment to the petitioner cannot be attributed to them. It is the fault of the DPSC and the State concerned in delaying issuance of their letters of appointment.
7. In that view of the matter, this Court directs that the service of each of the writ petitioner shall be reckoned with effect from March, 2013, i.e., when WPA 12713 of 2013 was filed.
8. The service of the petitioners shall be deemed to commence notionally from 1st May, 2013. They shall not be entitled to any of the actual financial benefits from 1st May, 2013 until 28th August, 2023.
9. The salary and allowances of the petitioners, shall however be notionally revised from time from 1st May, 2013 until 28th August, 2023 to include and apply time based on all increments and ROPAs. The salary and pay slip shall be revised with effect from 28th August, 2023 accordingly.

10. Let all arrears payable to the petitioners from 28th March, 2023 till date shall be made available to them, within a period of 2 months from date.
11. Pay slips shall be revised, based on the above within a period of 1 month from date. At the risk of repetition, it is clarified that for the purpose of length of service, the petitioners' service shall be deemed to commence from 1st May, 2013, inter alia, for the purpose of retiral benefits.
12. With the aforesaid observations, the instant writ petition shall stand disposed of.
13. There shall be no order as to costs.
14. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all formalities.

(Rajasekhar Mantha, J.)