

07-05-2024  
ct no. 13  
Sl. 26  
sp

WPA 4768 of 2024  
Susanta Banerjee & Ors.  
-Versus-

State of West Bengal & Ors.

Mr. Subhrangsu Panda,  
Mr. Aninda Sundar Chatterjee,  
Ms. Haritri Roy

..for the petitioners

1. Despite service of notice and notice of upgradation, the respondents are not represented.
2. affidavit of service and notice of upgradation filed in Court today are taken on record.
3. The petitioners were all engaged as part-time pharmacists in correctional homes different districts in the State. Each of the petitioners were engaged between July and September, 2000. In December, 2011, they were paid a consolidated remuneration of Rs. 3,000/-, which was subsequently enhanced to Rs. 5,000/-.
4. Sometime in October, 2011, after completion of 10 years of continuous service, the petitioners sought the benefit of the Memo being No. 9008-F(P) dated 16<sup>th</sup> September, 2011, Finance Department, Audit Branch, Government of West Bengal. Such memo, stipulated a monthly remuneration of Rs. 6,600/-.

5. The prayer was declined by the OSD and Deputy Secretary of the Government of West Bengal, Department of Correctional Administration vide communication dated 26<sup>th</sup> December, 2011. The writ petitioners filed WPA 13948 of 2012 challenging the said order of rejection dated December 26, 2011.
6. By an order dated 20<sup>th</sup> April, 2022, a Co-ordinate bench of this Court directed the respondents to reconsider the case of the petitioners without being influenced by the decision dated 26<sup>th</sup> December, 2011.
7. By an order dated 25<sup>th</sup> April, 2023, the petitioners were allowed the benefit of the memo No. 9008-F(P) dated 16<sup>th</sup> September, 2011 by the Joint Secretary, Government of West Bengal with effect from the date of the said order.
8. The petitioners are aggrieved by the same to the extent that the benefit of memo dated 16<sup>th</sup> September, 2011 was being given effect only from 25<sup>th</sup> April, 2023. The petitioners claim that they are entitled to the memo from the date of its issuance. They claim arrears, being difference in the amount actually stipulated to them and the monthly remuneration paid under the said memo dated 16<sup>th</sup> September, 2011.
9. Since the respondents are not represented despite notice, it is presumed that they have no objection to the claim of the petitioners.

10. In those circumstances, the impugned order dated 25<sup>th</sup> April, 2023 is modified to confer the benefit of the memo dated 16<sup>th</sup> September, 2011 from 16<sup>th</sup> October, 2011.
11. The petitioners shall be paid the difference between the remuneration paid October 2011 and the said sum of Rs. 6,600/- stipulated with memo dated 11<sup>th</sup> September 2011 as modified by the State from time to time.
12. Let arrears be paid to the petitioners, within a period of 3 months from date.
13. The aforesaid order is subject to the petitioners paying Court fees in course of the day.
14. With the aforesaid observations, the instant writ petition shall stand disposed of.
15. There shall be no order as to costs.
16. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all formalities.

(Rajasekhar Mantha, J.)