

14.05.2024  
Court No.13  
Item No.10  
AP

**WPA 7241 of 2024**

**Feroz Alam**  
**Vs.**  
**The State of West Bengal and Ors.**

Ms. Pampa Dey (Dhabal)  
Ms. Sangita Banerjee

... For the Petitioner.

Mr. Avijit Sarkar  
Ms. Dipa Bhattacharya

... For the State & Respondent No.4.

Mr. Siddhartha Banerjee  
Mr. Sudipta Nayan Ghosh

... For the High Court administration.

Ms. Sanghamitra Nandi  
Ms. Subhra Nag

... For the Respondent No.5.

1. Supplementary affidavit filed by the petitioner is taken on record.

2. The petitioner was functioning as a LDC in the district Judgeship of Bankura. He applied for transfer on personal grounds to the Judgeship of Paschim Burdwan. The same was considered by the respondents and allowed with effect from 2<sup>nd</sup> February, 2023.

3. Upon implementation of the recommendation of the Shetty Commission, the district Judgeship of Bankura published with retrospective effect, a promotion list, from the post of LDC to UDC on 10<sup>th</sup> July, 2023. The petitioner's name featured therein and his promotion was allowed from 14<sup>th</sup> September, 2015.

4. It is further mentioned in the said circular that the employees so promoted to the post of UDC would be entitled to re-fixation of pay even in the LDC cadre with effect from 2015 and would be entitled to draw their arrears. Such re-fixation and retrospective promotion was in terms of the implementation of the recommendation of the Shetty Commission.

5. The petitioner claims that since his name featured in the list of promotees dated 10<sup>th</sup> July, 2023 in the district Judgeship of Bankura, his pay should be re-fixed and pay protection should be allowed notwithstanding the reversion to the lowest position in the transferee district i.e. Paschim Bardhaman (at the bottom of the lowest grade).

6. Counsel for the district Judgeship Paschim Bardhaman as well as the High Court administration relied upon a scheme for transfer of employees of subordinate Courts framed by the High Court and communicated by the Registrar General a letter dated 19<sup>th</sup> June, 2012. Clause 3 (v) of the scheme is set out below:-

“v) G.O. No.3338 (13) – J dated 12.4.1972 issued by the Govt. of W.B. provides that when a clerk of a Civil Court is transferred from one district to another in the interest of public service has past service in the substantive capacity in his parent judgeship will be taken into account in fixing his position in the Gradation List of permanent employees of the Judgeship where he is transferred.

However, when the transfer is made at the initiative of the applicant concerned, he will not get any benefit of his past service either permanent or temporary in the parent judgeship. In other words his name will be at the bottom of the Gradation List of both permanent and temporary employees of the District where he is transferred.”

7. In view of the rules applicable to the petitioner, he is required to be treated as an entry level person in the lowest grade and be placed in the bottom of such list/grade in seniority in the new district. He is therefore not entitled to get any benefit of his past service, permanent or temporary, with the Bankura Judgeship. The question of any pay protection or re-fixation to the petitioner in the district of Paschim Burdwan therefore does not and cannot arise.

8. For the reasons stated hereinabove, the writ petition fails and hereby dismissed.

9. The instruction of the District Judge, Bankura is taken on record.

10. There shall be no order as to costs.

11. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

**(Rajasekhar Mantha, J.)**