

WPA 7981 of 2021

**Sitaram Mandal
Vs.
State of West Bengal & Ors.**

**Mr. Kanai Lal Samanta.
... for the petitioner**

1. Affidavit-of-service filed in Court today is taken on record.
2. The writ petitioner was arrested in connection with a criminal case. He was released on bail later and ultimately, after conclusion of the trial, he was acquitted, vide the judgment of the Trial Court dated 22nd April, 2022.
3. It is submitted that, till date, no disciplinary proceeding has been initiated against the petitioner.
4. In these circumstances, the petitioner is not being granted the increments as well as the benefit of refixation of his salary, for which he is aggrieved.
5. He has ventilated his such grievance to all the respondent authorities by dint of his letter dated 4th January, 2021. The same is still pending for consideration of the said respondent authorities.
6. Mr. Kanai Lal Samanta, learned counsel appearing for the petitioner has indicated to an office order of the Administrator of the school by dint of which the Administrator has noted the decision pursuant to the discussion with the Additional District Inspector of Schools (SE), Contai, that the annual increment and

refixation of pay should be allowed to the writ petitioner in terms of provisions under ROPA-2019.

- 7.** On the premise as above, the petitioner has prayed for direction upon the concerned respondent authority to consider and dispose of his representation dated 4th January, 2021.
- 8.** None appears for the respondents in spite of service of notice.
- 9.** Hence, the matter is taken up in absence of the respondents for disposal.
- 10.** In accordance with the settled law, the writ petitioner would be entitled to reinstatement in service, with all applicable service benefits, as stands due to him, during the period of trial, after his honourable acquittal from the charges. There is no material available, to show as to why the law, settled as above, should not be made applicable, in case of the petitioner.
- 11.** Therefore, the present writ petition is being disposed of by directing the District Inspector of Schools, Secondary Education, Purba Medinipur to consider and dispose of petitioner's representation dated 4th January, 2021 by dint of a reasoned order and after taking into consideration the settled provisions of law in this regard.
- 12.** In doing so, the said respondent authority shall afford opportunity of hearing to the petitioner.
- 13.** The entire exercise as above shall be concluded by the said respondent within a period of six weeks from the date of communication of copy of this order.

14. Since no affidavits are called for, allegations made in the writ petition, are deemed to have been denied by the respondents.
15. This writ petition being WPA No. 7981 of 2021 is disposed of, along with the pending applications, if any.
16. Urgent Photostat certified copy of this order duly downloaded from the official website of this Court upon compliance all legal formalities.

(Rai Chattopadhyay, J.)