

12.06.2024.
Court No. 13
Item No. 42
ap

W.P.A. No. 12564 of 2024

**Paresh Chandra Singha
Versus
The State of West Bengal & Ors.**

Mr. Bhagbat Chaudhuri,
Mr. Monojit Chatterjee.

...For the petitioner.

Mr. Sougata Mitra,
Ms. Sukanya Dutta.

...For the State.

Mr. Saibal Acharyya,
Mr. Tanweer J. Mandal.

...For the DPSC, Purba Burdwan.

1. Affidavit-of-service filed in Court today be taken on record.
2. The petitioner joined as an Assistant Teacher under District Primary School Council, Burdwan now Purba Burdwan on 25th July, 2000. He completed PTTE Course for the session 2005-06.
3. Despite being entitled to “A” category pay scale with effect from the day after the last date of examination for the year 2006, the petitioner never applied for “A” category pay scale. The petitioner applied for the first time on 15th April, 2024 for “A” category pay scale.
4. It is now well-settled, inter alia, by a Division Bench of this Court and in several orders of this Court that an Assistant Teacher is entitled to “A” category pay scale from the day after the last date of examination of PTTE Course for the sessions 2005-06.

5. In those circumstances, since the petitioner has in fact worked as a Trained Teacher and retired in normal usual course of business, he is entitled to such scale of pay from the date indicated above.

6. Mr. Acharyya, Counsel for the DPSC, Purba Burdwan opposes the prayer for arrears and “A” category pay scale on the ground that the petitioner never applied for the same during the tenure of his service.

7. Having regard to the facts and circumstances of the case, since the petitioner was lawfully entitled to “A” category pay scale from the day after the last date of examination in the year 2006, he shall be paid arrears of his salary i.e. difference between the salary received by him and “A” category pay scale, applying all increments and revisions of pay until his date of retirement.

8. The petitioner shall also be entitled to arrears of pension in “A” category pay scale as per the revised last drawn pay that shall be recalculated in “A” category in addition to what is indicated hereinabove.

9. Let the aforesaid two categories of arrears be paid to the petitioner within a period of two months from the date of communication of a copy of this order along with a copy of the writ petition.

10. However, the petitioner shall not be entitled to any interest since the claim has been raised for the first time in the year 2024.

11. Let a revised Pension Payment Order be issued to the petitioner in the revised scale of pay and pension within the time stipulated hereinabove.

12. With the aforesaid directions, the instant writ petition shall stand disposed of.

13. There will be no order as to costs.

14. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)