

25.06.2024

**Sl. No. 06
Ct. No. 23
Srimanta**

WPA/12849/2024

Ananda Ram Koley

-Vs.-

The State of West Bengal & Ors.

Mr. A. K. Lahiri,
Mr. Debjyoti De

...for the petitioner.

Mr. Debjit Mukherjee,
Mr. Sankar Halder,
Mr. Susmita Chatterjee

...for the State.

The petitioner claims to be working as the 'Sheristadar' attached to the Court of learned Civil Judge (Senior Division), 1st Court, Howrah since 29th November, 2021. The petitioner says that being attached to the Court of Civil Judge (Senior Division) the petitioner is called 'Senior Sheristadar' as per government orders. The petitioner is to retire on attaining the age of superannuation with effect from 31st January, 2025. The petitioner says that although few months of his service is remaining but till now the benefit which the petitioner is entitled to under the West Bengal Services (Revision of Pay and Allowance) Rules (in short, ROPA 1998, ROPA 2009 and ROPA 2019) has not been given to the petitioner. The petitioner says that unless he is given the benefits under ROPA 1998, 2009 and 2019 he will suffer

irreparable prejudice while his pension and other retiral benefits are computed. The petitioner therefor seeks mandatory order directing the authority concerned to give the petitioner benefits of ROPA 1998, ROPA 2009 and ROPA 2019 which has not been given to him. The petitioner also says that the benefit in terms of the Government order dated 24th January, 2020 has also not been given to the petitioner. The petitioner is only a few month away from his retirement. If this matter is to be heard the same can be done after giving the respondents an opportunity to disclose their stand on affidavit. The hearing of the writ petition on completion of affidavit may not be possible prior to the petitioner demitting his office on attaining the age of superannuation.

In the aforesaid facts and circumstances, I am of the view that justice will be subserved if I direct the Principal Secretary, Judicial Department, Government of West Bengal to look into the grievances of the petitioner and consider the same by passing a reasoned order, if necessary, by giving the petitioner a personal hearing. The entire exercise in view of the petitioner's retirement scheduled on 31st January, 2025 should be positively completed within a period of two months from the date of communication of this order. The Principal Secretary, Judicial Department,

Government of West Bengal and all other should act on the basis of a server copy of this order instead of insisting upon production of a certified copy thereof. It is clarified that this Court has not gone into the merits of the matter and the Principal Secretary, Judicial Department, Government of West Bengal shall be free to decide the issues independently without being influenced by any observation made in this order. Nothing further remains to be adjudicated. The writ petition is, accordingly, disposed of.

Since I have not called for affidavit, the allegations contained in the writ petition are deemed to have not been admitted by the respondents.

(Arindam Mukherjee, J.)