

S/L 2
30.4.2024
Court No.18
SD

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 12101 of 2023

Goutam Mondal
Vs.
The State of West Bengal & Ors.

Mr. Ashis Kumar Paul
Ms. Shilpi Paul

...for the Petitioner.

Mr. Bhaskar Prasad Vaisya
Mr. Ranjan Saha

...for the State.

The petitioner was an approved Assistant Teacher, on attaining the age of superannuation, he has retired from his said service on August 31, 2023.

The petitioner is complaining delay in disbursement of his retiral benefits.

It appears from the record that the delay complained of has occurred due to a dispute over the admissible scale of pay of the petitioner.

The facts leading to the said dispute are thus, the petitioner joined as a Work Education teacher at Hazrahat Harishchandra High School, Cooch Behar under Work Education and Physical Education group with Pass Graduate scale of pay.

To meet the requirement of the said school, the petitioner was asked to take the Chemistry classes in the secondary section as he has Bachelor's Degree with Honours in Chemistry.

The District Inspector of School (SE), Cooch Behar, the respondent no. 4 herein, considering such

additional assignment, in terms of the Memo bearing no. 5525/GA/105-H dated September 13, 1996 had allowed graduate scale of pay to the petitioner.

The prayer of the petitioner for general transfer on being allowed, he joined at Dekhuria Joykali Siksha Niketan, District Birbhum and continued to receive salary in the same scale of pay which he was receiving in his earlier school till retirement but the Assistant Director of Accounts, Birbhum, School Education Department, the respondent no.6 herein while processing the pension papers of the petitioner has raised an objection as to his entitlement to receive Honours scale of pay after transfer in the new school on the ground that the situation in the said school did not demand any additional assignment from the petitioner as it was in his earlier school.

The said objection is under challenge in the present writ petition.

The learned advocate for the petitioner, referring to a letter of the Headmaster of the said last school of the petitioner bearing No. 01/DJKSN/2023 dated April 28, 2023 addressed to the District Inspector of Schools(S.E.), Birbhum, the respondent no. 5 herein which is part of the writ petition, submits that the situation remained unaltered in the said school, therefore the impugned objection is not sustainable.

Mr. Vaisya, learned AGP, submits that in terms of the Government order bearing No. 614-ES

(Admn.)/10M-37/2019 dated May 06, 2019 issued by the Principal Secretary to the Government of West Bengal, the dispute may be referred to the authorities mentioned therein for settlement.

The aforementioned Government Order has been issued to settle the anomalies in pay fixation of the employees of the non-Government sponsored/Aided Educational Institutions.

The Joint Director of Accounts, School Education Department, Government of West Bengal, is an authority under the said Government order, as such, is directed to decide the correctness of the impugned objection within a period of eight weeks from the date of communication of this order, if necessary, after giving the petitioner or his representative an opportunity of hearing.

WPA 12101 of 2023 is disposed of with the above terms without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)