

21 26.06.2024
NB Ct. 17

WPA 13996 of 2024

Kabita Mukherjee
Vs.
The State of West Bengal & Ors.

Mr. Syed Arif Ahmed.
...for the petitioner.

Mr. Swapan Kr. Dutta Id.AGP.,
Mr. Rajat Dutta.
....for the State.

Mr. Nilotpal Chatterjee,
Mr. Satyaki Banerjee.
...for the CU.

Affidavit of service filed on behalf of the petitioner is taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner's husband was a clerk at the Ranaghat College. There was some purported deficiency in the qualifying service. However, the service was regularised subsequently and after superannuation, the petitioner's husband was granted pensionary benefits, which he enjoyed till his death. On 12th March, 2023, the petitioner was granted family pension. The petitioner filed a writ petition being *WPA 17060 of 2017* claiming arrears of salary and alleging non-consideration of a representation dated 16th June, 2017. By an order dated 1st December, 2017, the said writ petition was disposed of directing the competent authority to consider the representation. The competent authority passed an order dated 8th May, 2018 by which the prayer for arrear salary was

rejected. The appellant, thereafter preferred a writ petition being *WPA 9510 of 2023* praying for release of due salaries for her husband with effect from 24th May, 1999 to 31st August, 2008 along with interest. The said writ petition was dismissed with the observation that the said employee did not dispute the salary given to him. The petitioner preferred an appeal being *MAT 152 of 2024*. The Division Bench dismissed the appeal by recording the observation of the Single Judge that it did not appear that the employee was ever aggrieved with the salary given to him. This is not correct. This would be evident from the fact that the petitioner's husband had challenged a decision taken on his representation dated 16th June, 2017. This was dealt with by an order dated 01.12.2017 passed by this Court in *WP 17060(W) of 2017*.

It appears that the petitioner wants to set at naught the inference drawn by a Division Bench of this Court on 26.04.2024 in *MAT 152 of 2024*. He has neither challenged the order before the Hon'ble Apex Court nor has sought any review.

Therefore, I find no merit in this application.

Accordingly, the writ petition is dismissed, however, without any order as to costs.

Urgent photostat certified copy of this order be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)

