

18.04.2024
Item No. ml.102
Crt.No.22
b.r.

WPA 13079 of 2019
IA No. CAN 1 of 2020(Old No. CAN 2166 of 2020)

Roshni Chatterjee Sarkar
-vs-
The State of West Bengal & Ors.

Mr. Prasenjit Mukherjee
Ms. Madhurima Sarkar
Ms. Urmi Biswas
Ms. Aishwarya Nanda
..... for the petitioner.

Ms. Iti Dutta
.... For the State.

This is a hearing matter upon affidavits.

The short claim of the petitioner is that the petitioner initially claimed arrear salary since **March 12, 2012 till June 2017**, as would be evident from **Annexure R-1 at page-12** to the affidavit in reply affirmed by the petitioner on **January 4, 2021**.

Mr. Prosenjit Mukherjee, learned counsel appearing for the petitioner submits that everything has been paid and payment has duly been received by the petitioner save and except increment with the salary for the month of **July-August, 2017**.

Ms. Iti Dutta, learned State counsel, appears for the respondent nos. 1 to 4.

None appears for the respondent nos. 5 and 6.

In view of the above to sub-serve justice, the petitioner shall be at liberty to make a comprehensive

representation before the **respondent no.4** raising its claim.

In the event, such representation is made, the **respondent no.4** upon serving a prior hearing notice of **at least seven days** to the petitioner and the respondent no.6 and after granting them an opportunity of hearing shall decide the issue by passing a reasoned order in accordance with law.

The entire exercise as directed above shall be carried out and completed by the respondent no.4 positively within a period of **six weeks** from the date of receiving the said representation from the petitioner. The **respondent no.4** then shall communicate his reasoned order to the petitioner and the respondent no.6 positively within a further period of **two weeks** from the date of the said reasoned order to be passed.

It is made clear that this Court has not gone into the merits of the claim of the petitioner in any manner and the petitioner and the respondent no.6 shall be at liberty to urge whatever points they wish to urge, but the same shall not travel beyond the claim made in the representation of the petitioner, by relying upon whatever records and documents they wish to rely upon.

In the event, the reasoned order goes in favour of the petitioner, the **respondent no.4** shall give an immediate and consequential effect thereto to make the payment along with **6 per cent interest per annum** to the petitioner since the date on which the petitioner will be found to eligible to receive her claim till the date of actual tendering of money.

It is further made clear that this order shall not create any equity or right in favour of the petitioner if the petitioner is found not to be eligible to receive her claim strictly in accordance with law.

On the above terms, this writ petition, **WPA 13079 of 2019** along with **IA No. CAN 1 of 2020(Old No. CAN 2166 of 2020)** stand **disposed of**, without any order as to costs.

(Aniruddha Roy, J.)