

7 15.5.2024
Sc Ct. no.2

WPA 15337 OF 2013

Md. Alimuddin

Vs.

State of West Bengal & Ors.

Mr. Syed Mansur Ali
Mr. Sk. Imtiaj Uddin.

....For the Petitioner

Mr. Supriyo Chattopadhyay
Mr. Pinaki Dhole.

...For the Respondent
Nos.1, 2 & 3/ State

Syed Mansur Ali, learned counsel appears for the petitioner.

Mr. Supriyo Chattopadhyay, learned Additional Government Pleader with Mr. Pinaki Dhole, learned State counsel appear for the respondent nos. 1 to 3.

The petitioner claims additional two increments after acquiring the Ph.D. degree.

The petitioner acquired the Ph.D. degree in **December, 2003. The Control of Expenditure Act** came into effect in **2005**.

The issue is now well settled by the Hon'ble Division Bench ***In the matter of : The State of West Bengal & Ors. -vs.- Satyabrata Mahapatra & Ors.,***

rendered in **AST 117 of 2014** dated **September 13, 2023**.

In view of the above, the impugned decision dated **April 18, 2023, Annexure-P4 at page 29** to the writ petition of the respondent no.3 stands **set aside** and **quashed**.

From the averments made in **paragraph 4** to the writ petition it appears that, the petitioner was awarded the Ph.D. degree on **December 29, 2003**.

In view of the above, the petitioner shall be granted additional two increments with effect from **December 30, 2003**, the following day of the convocation of his Ph.D. degree.

The respondent no.3 is directed to take all necessary and consequential steps in accordance with law to grant additional two increments to the petitioner with effect from **December 30, 2003** for acquiring the Ph.D. degree and shall disburse the entire arrear with interest upon fixation of pay @ **6% per annum** on and from **December 30, 2003 till April 30, 2024** and then on and from **May 1, 2024** shall go on paying regularly.

The entire exercise, as directed above, shall be carried out and completed by the respondent no.3 positively within a period **ten weeks** from the date of communication of this order.

With the above observations and directions this writ petition, **WPA 15337 of 2013** stands ***allowed***, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)