

19.11.2024

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**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

WPA 17654 of 2024

Chandra Mohan Sinha & Anr.

-Vs-

The State of West Bengal & Ors.

Mr. Shuvro Prokash Lahiri,
Mr. Habibur Rahaman,
Mr. Rajesh Naskar,
Mr. Ankan Mondal

... for the petitioners

The affidavit of service filed in Court today is taken on record.

The respondents remain unrepresented despite service.

The petitioners are Ex-Servicemen. They were engaged on ad hoc basis as 'Stenographer' and 'Orderly Peon' respectively under the District Judgeship of Uttar Dinajpur with a cap of being able to function upto the age of 62 years. The petitioners were not given the pay scale commensurate to their last drawn salary in the Armed Forces. The petitioners ventilated their respective grievances by filing two separate writ petitions being WPA 3518 of 2023 (Debasish Chakraborty vs. The State of West Bengal & Ors.) and WPA 3521 of 2023 (Chandra Mohan Sinha Vs. The State of West Bengal & Ors.). The aforesaid two writ petitions were disposed of by two

separate orders dated 24th April, 2023. By the said orders, the respective writ petitions were disposed of by directing the authorities to pay the current monthly salary of the petitioners from April 2023 till the age of 62 years at the applicable rate within the 10th of each succeeding month. The arrears were also directed to be paid in a time barred manner. The learned District Judge, Uttar Dinajpur had, by a Memo dated 16th March, 2024, requested for approval of the same from the Principal Secretary, Judicial Department, Government of West Bengal. The petitioners say that the approval of the Principal Secretary, Judicial Department, Government of West Bengal is still awaited.

The petitioners are thereby deprived of the rightful amounts under the West Bengal Services (Revision of Pay and Allowances) Rules, 2019 (in short, 'ROPA, 2019) and unless the approval is accorded, the district judiciary at Uttar Dinajpur will not be able to pay the rightful dues of the petitioners despite orders being passed by this Court. Since the Memo dated 16th March, 2024 issued by the learned District Judge relates to both the petitioners, a single writ petition has been filed by the two petitioners.

After hearing the parties and considering the materials on record, I find that the justice will be subserved if I direct the Principal Secretary, Judicial

Department, Government of West Bengal to dispose of the instruction sought for by the learned District Judge, Uttar Dinajpur vide Memo dated 16th April, 2024 be considered and disposed of by 19th January, 2025 as nothing remains for adjudication after passing of the orders as aforesaid.

Nothing further remains to be adjudicated in this writ petition. The same is accordingly disposed of.

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

The petitioners are directed to serve a server copy of this order on the respondents within 22nd November, 2024 and the respondents are directed to act on the basis of the server copy of this order without insisting upon production of a certified copy thereof.

(Arindam Mukherjee, J.)