

20.02.2024
Court No.13
Item No.5
AP

WPA 19426 of 2022

**Bani Bose
Vs.
State of West Bengal and Ors.**

Mr. Syamal Kumar Das
Mr. Ajay Barman Roy

For the Petitioner.

Mr. Supriyo Chattopadhyay
Ms. Iti Dutta

For the State.

Mr. Bhaskar Prasad Vaisya
Mr. Pinaki Bhattacharyya

For the DPSC.

1. The order dated 8th February, 2024 does not apply to the instant writ petition. The said order is recalled in toto.

2. Affidavit-in-opposition filed by the State on 8th February, 2024 shall however remain with the record.

3. The facts of the case are that the writ petitioner joined service in the year 1996 and was posted as an Assistant Teacher at Niranjana Vidyapith GSFP, Chandanpukur, 24 Parganas (North). She was granted "A category pay scale" on 7th June, 2013 with effect from 14th July, 2011. Since after ROPA 2019 came into force, the writ petitioner's pension file came to be reviewed for revision of pension.

4. This Court has already held in the order dated 8th February, 2014 as confirmed today in WPA 13194 of

2019 that persons similarly situated as the writ petitioner are entitled to “A category pay scale” for the reasons recorded therein. It is therefore directed that the writ petitioner shall also be equally entitled to the “A category pay scale”.

5. In the above circumstances, the DPPG shall revise the pension payable to the writ petitioner duly applying the “A category pay scale” to her. Any benefit under ROPA 2019 shall be made available to the writ petitioner in a revised pension payment order.

6. In view of the above, the communication dated 29th June, 2022 issued by the Sub-Inspector of Schools, Barrackpore Circle shall stand set aside.

7. With the aforesaid directions, the writ petition is disposed of.

8. There shall be no order as to costs.

9. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)