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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 23846 of 2023

Devjyoti Roy
-Vs-
The State of West Bengal & Ors.

Md. Habibur Rahman
.... for the petitioner

Ms. Kakali Samajpati,
Ms. Mita Bag,
Ms. Sangita Jangra
... for the State

A detailed order was passed on 4th December, 2024. By the said order, this Court wanted to ascertain whether the petitioner is similarly placed to that of *Chandra Mohan Sinha @ Singha* and *Debasish Chakraborty* being the writ petitioners respectively in *WPA 3521 of 2023* and *WPA 3518 of 2023* wherein a coordinate Bench of this Court had passed orders holding that reduction of salary in terms of the Memorandum dated 6th March, 2020 with effect from 20th March, 2021 is illegal and/or arbitrary. The said order dated 4th December, 2024 was passed as the petitioner herein who is also an ex-serviceman has challenged the refusal to grant annual increment subsequent to a Memorandum dated 6th March, 2020 being the same issue which fell for consideration before

a Co-ordinate Bench in the two writ petitioners referred to hereinabove. A written instruction received by the learned Government Pleader from the learned District Judge, Uttar Dinajpur is placed by the learned learned advocate for the State before this Court, which is taken on record.

On a perusal of the said instruction, it is clear that the present writ petitioner is similarly circumstanced as that of *Chandra Mohan Sinha @ Singha* and *Debasish Chakraborty.* The learned District Judge, Uttar Dinajpur has also in the said instruction stated that the prayers in the instant writ petition and those in *WPA 3521 of 2023* (*Chandra Mohan Sinha @ Singha Vs. The State of West Bengal & Ors.*) and *WPA 3518 of 2023 (Debasish Chakraborty Vs. The State of West Bengal & Ors.)* are identical. Only an additional prayer has been made in the instant writ petition for payment of arrears with interest @ 8% per annum.

This prayer is a consequential prayer as the reduction of the salary and/or honorarium on being held to illegally and/or arbitrarily reduced and the order of refusal on being set aside will automatically give rise to paying the arrears for the period for which the salary and/or honorarium was reduced.

I am also told that no appeal has been preferred form the two orders passed by the Co-ordinate Bench. The orders have been accepted and acted upon.

On considering the petitioner's case in this backdrop, I have no reason to differ with the findings made and the directions given by the coordinate Bench in the order dated 24th April, 2023 passed in *WPA 3521 of 2023* (*Chandra Mohan Sinha @ Singha Vs. The State of West Bengal & Ors.*) and that in the order dated 24th April, 2023 passed in *WPA 3518 of 2023 (Debasish Chakraborty Vs. The State of West Bengal & Ors.).*

In this background, applying the ratio laid down in (***2015) 1 SCC 347 (State of Uttar Pradesh & Ors. Vs. Arvind Kumar Srivastava & Ors.)***, I hold that the reduction of monthly salary of the petitioner with effect from 23rd March, 2021 by refusing to grant the annual increment is illegal and/or arbitrary. The petitioner has to be paid the annual increment with the last drawn salary as on January, 2020 with effect from the date such annual increment fell due. The arrears on account of differential amount due to refusal of annual increment from the month, the same became due till 30th November, 2024 shall be paid with interest @ 6% per annum, latest by 31st March, 2025, failing which the rate of interest will stand increased to 8% per annum on the applicable amount. The salary, which the petitioner received in January, 2020 with any subsequent increment and/or enhancement between the period of January, 2020 till November, 2024 shall be paid for the month of December, 2024 which will fall

due in January, 2025 shall be paid by 10th January, 2025 and shall be construed month by month . Any enhancement or increase in salary, if any, between January, 2020 and November, 2024 if has been already given to the petitioner, then the respondent authorities shall make necessary adjustments and provide the details thereof to the petitioner.

Nothing further remains to be decided in this writ petition. The writ petition 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.

All parties shall act on the basis of the server copy of this order duly downloaded from the official website of this Court without insisting upon production of a certified copy thereof.

(**Arindam Mukherjee, J**.)