

18 04.10.2024
rkd Ct.18

W.P.A. 24939 of 2024

Asit Kumar Maity

-vs-

The State of West Bengal & Ors.

Mr. Uttam Kumar Bhattacharyya,
Mr. Kaustav Mishra,
Mr. Bishal Bhattacharyya

....for the petitioner.

Mr. Pinaki Dhole,
Mr. Avishek Prosad

....for the State.

Affidavit-of-service filed in Court is kept
with the record.

By presenting this writ petition petitioner
has prayed for release of arrear dues from 15th
November, 2019 till the date preceding the date
from which salary has been released in favour of
the petitioner in postgraduate scale of pay.

In support of prayer of the petitioner for
release of arrear dues attention of this Court has
been drawn to the documents which are at pages
23 and 24 of the writ petition wherefrom it appears
that in terms of the order dated 15th November,
2019 the concerned State respondents on issuing
these two memoranda sanctioned postgraduate
scale of pay notionally with effect from 2nd March,
2001 and the actual benefit was extended to the
petitioner with effect from 15th November, 2019.

Having heard the learned advocates representing the petitioner and the State respondents it appears that petitioner received salary in postgraduate scale of pay not from 15th November, 2019 but from a subsequent date. Therefore, right accrues in favour of the petitioner to claim arrear dues from 15th November, 2019.

Since the date has not been spelt out in the writ petition when benefits have been sanctioned in favour of the petitioner on releasing salary in postgraduate scale of pay, leave is granted to the petitioner to prefer a comprehensive representation to the District Inspector of Schools (SE), Paschim Medinipur by four weeks from date claiming arrear salary in postgraduate scale of pay.

If such representation is made within the aforesaid time the District Inspector of Schools (SE), Paschim Medinipur being respondent no.3 is directed to pass an appropriate order for releasing arrear dues, if the same has not been paid from 15th November, 2019.

Necessary order shall be passed by the respondent no.3 by six weeks from the date of receipt of representation and the same shall be communicated to the petitioner by one week thereafter.

The writ petition stands disposed of.

There shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)