

12.11.2024
Item no. 52.
Court No.1.
AB

**Calcutta High Court
In the Circuit Bench at Jalpaiguri**

**WPST 1 of 2022
With
CAN 1 of 2022**

**Partha Pratim Guha Roy
Vs
The State of West Bengal & Ors.**

Mr. Debajit Kundu,
Ms. Sabita Khutia (Bhunya).....for the Petitioner.

Mr. Pretom Das,
Mr. Kumar Shantanufor the State.

Dictated by Arijit Banerjee, J.

1. Under challenge in this writ petition is an order dated January 13, 2015, passed by the West Bengal Administrative Tribunal in O. A. 293 of 2014, filed by the present petitioner.
2. The petitioner worked as Anchal Development Worker/Anchal Plan Worker in Haldibari Development Block of Cooch Behar district. He retired in the year 2013 on superannuation. He started receiving pension on the basis of last pay drawn by him.
3. He says that he filed a representation before the Competent Authority seeking benefit of Memo No.6303-F Dated 29.05.1984 issued by the State Government. That pertained to a promotional scheme. He claims to have made

several representations and demands for justice but there was no response from the Authorities. He approached the Tribunal praying for a direction on the respondents to allow him promotional benefits in terms of the aforesaid Memo and fix his pay and terminal benefit accordingly.

4. The Tribunal dismissed the application of the present writ petitioner solely on the ground that he had not raised his claim for 30 years after issuance of the 1984 Memo. The Tribunal did not address the merits of the case at all. Being aggrieved, the writ petitioner is before us.
5. We have heard learned Counsel for the parties. It appears that the petitioner made a representation on January 31, 2013, immediately prior to his retirement. Learned Advocate for the respondents says that the department is still looking for the said representation for filing affidavit in terms of the direction of a Coordinate Bench passed on November 16, 2023, on this writ petition.
6. We are of the view that the matter can be cut short. Let the petitioner file a fresh copy of his aforesaid representation dated January 31, 2013, before the Competent Authority in

the department within a week from date. If that is done by the petitioner, the Competent Authority shall dispose of such representation, in accordance with law and the applicable Rules and Regulations, within a period of six weeks from the date of receipt of the representation, after granting an opportunity of hearing to the petitioner or his authorized representative. The decision taken by the Competent Authority shall be communicated to the petitioner within a week from the date of the decision.

7. We clarify that we are not binding the hands of the Authority in any particular manner. The Competent Authority shall take an independent decision in accordance with law.
8. WPST 1 of 2022 is disposed of along with the connected application being CAN 1 of 2022.
9. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Biswaroop Chowdhury, J.)

(Arijit Banerjee, J.)