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Ct No.02
31.07.2024
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Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Jurisdiction

WPA No. 1034 of 2024

Mukti Chakraborty
-vs-
The State of W.B. & ors.

Mr. Gopal Sah
Mr. Arko Sarkar
..for the petitioner
Mr. Nabankur Paul
Mr. Bikash Singha
...for the State

Report filed on behalf of the State is taken on record.

Learned counsel appearing on behalf of the State relies on the report and submits that the petitioner is indeed a State Government employee. As such, the present writ petition is not maintainable. If the petitioner has any grievance which is related to her service, she can vent the same before the State Administrative Tribunal. Reliance is placed on Sections 15 and 28 of the Administrative Tribunals Act, 1985.

Learned counsel appearing on behalf of the petitioner submits as follows. The prime grievance of the petitioner is that there were wrong recordings in

the service book of the petitioner. Accordingly, a different pay scale was given to her. The petitioner has prayed for calculation of pension on her actual last basic pay and to make payment to the petitioner of her arrears.

Section 3(Q) of the Administrative Tribunals Act defines “service matters”. It includes remuneration including allowances, pension and other retirement benefits, superannuation and any other matter whatsoever. This would, thus, clearly include a dispute regarding wrong fixation of pay scale.

In view of Sections 15 and 28 of the said Act, the petitioner ought to have moved an application before the said Administrative Tribunal to vent her grievances.

In view of the above, the writ petition is disposed of without passing any further order, even as to costs.

However, the petitioner shall be at liberty to move the said Administrative Tribunal with her grievances. The State Administrative Tribunal shall take into consideration the explanation provided by the petitioner for the delay, if any, in such event and consider the petitioner’s grievances in accordance with law.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)