

OD-9

WPO No. 181 of 2024

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

SRI NAGENDRA SINGH & ORS.
Versus
THE DAMODAR VALLEY CORPORATION & ORS.

BEFORE:

The Hon'ble JUSTICE RAJASEKHAR MANTHA

Date : 4th April, 2024

Appearance :

Mr. Partha Ghosh, Adv.
Mr. Amal Kumar Datta, Adv.
Ms. Simran Sureka, Adv.
Mr. Debashis Das, Adv.
... for petitioners

Mr. Dinabandhu Dan, Adv.
Mr. Dipankar Ghosh, Adv.
... for DVC

- The Court : 1. The writ petitioners are aggrieved by the order dated 8th February, 2024, passed by the Executive Director (HR) of the Damodar Valley Corporation (DVC). The subject matter of the impugned order is the re-fixation of pay scales of Technician Grade I, notionally with retrospective effect in Technician Grade III. Consequently, the petitioners' pay scales were prospectively revised from 5th January, 2021 to Rs. 4100-100-6400/-.
2. The facts leading to the order dated 5th January, 2021 was a report of an Expert Committee of senior Officers of the DVC namely, Joint

Secretary, Joint Financial Advisor, Additional CAO, Joint Director(Personnel) & Deputy Chief Engineer(M), Joint Financial Advisor, Additional CAO, Joint Deputy Personnel & Deputy Chief Engineer (M) and Chairman, dated 23rd November, 2010. The recommendation of the aforesaid Committee was based on repeated representations from the petitioners for upgradation of their pay scales to Technician Grade III from the date of their appointment.

3. The aforesaid committee accepted the representation of the petitioners and recommended the same on 23rd November, 2010 to the Director (HR) DVC. The upgradation was not being implemented and the petitioners from time to time made representations over a period of 11(eleven) years. The said re-fixation of pay scale and upgradation of post from Technician Grade-I to Grade-III was effected on 5th January, 2021.
4. The Damodar Valley Corporation (DVC) subsequently received a representation from 17(seventeen) other employees for being granted the same benefit. A further Committee came to be formed to address the request of 17 technicians to be treated at par with the nine writ petitioners. The second Committee came to a conclusion that the petitioners who are panelled seniors could not have been granted the pay scale on notional basis in the Office order dated 5th January, 2021.
5. Consequently, by the impugned order dated 8th February, 2024 not only was the order dated 5th January, 2021 recalled and revoked but

recovery of the benefits already given to the petitioners pursuant thereto was proposed to be made. The order is yet to be implemented.

6. Admittedly, the petitioners have not been furnished the copy of the report of the new Committee recommending such revocation. The petitioners have not been heard. Repeated representations made by the petitioners have not been addressed.
7. It is now well-settled in service jurisprudence that a monetary benefit enjoyed by an employee granted by the employer for over a period of three years cannot be unilaterally revoked. The same would lead to civil consequences.
8. An order leading to civil consequences must conform to the principles of natural justice and also be informed with sufficient reasons.
9. In those circumstances, this Court is of the view that the impugned order dated 8th February, 2024 is liable to be quashed and set aside.
10. The writ petitioners who have submitted written representation shall be heard by the appropriate Authorities of the DVC after being furnished with a copy of the report of the Committee based on which the said order dated 8th February, 2024 was passed.
11. The petitioners shall be allowed to make a further representation after being supplied with the copy of the report of the Committee. They shall be heard in person or through their legal representatives.
12. It is only thereupon that the DVC may pass appropriate orders in accordance with law.
13. The writ petition (WPO/181/2024) shall stand disposed of.

14. Urgent certified website copy of this order, if applied for, be made available to the parties subject to compliance with the requisite formalities.

(RAJASEKHAR MANTHA, J.)

SN/snn.