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ORDER SHEET
WPO No.1554 of 2023
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

SRI ASHIK CHOWDHURY AND ANR
VERSUS
THE STATE OF W.B. & ORS.

BEFORE :
THE HON'BLE JUSTICE RAJASEKHAR MANTHA
Date: 22ND MAY, 2024.

Appearance:
Mr. P. Mukherjee, Sr. Adv.
Mr. J. Basu Ray, Adv.
...for the petitioner.
Mr. Ghalib, Adv.; Mr. S. Mallik, Adv., for State.
Mr. A.K. Nag, Adv.; Mr. T. Dey, Adv., for High Court.

The Court:- 1. In terms of the last order dated May 16, 2024, the petitioners have had two sittings with the Judicial Secretary and the officials of the Finance Department. It appears from the minutes of the meeting dated May 22, 2024, i.e. today, that the Judicial Secretary came to the following conclusion:

“Considering the above exchange of views within the Officials of the Finance Department and the Petitioners, I convinced myself that root cause of all trouble and distress of the petitioners be removed immediately pending recasting of cadre which is to be finalized from the High Court administration. Accordingly, it has been felt necessary to *allow the petitioners a higher initial or minimum pay in the*

same pay level to the promotional post. It may also be viewed that the recasting of the cadre of the petitioners is very much needed due to their specialized job and the proposal at first be finalized from the end of the administrative side of the Hon'ble High Court, Calcutta and thereafter, the same with supportive documents specifying existing pay to the pay level and pay level to be modified in tabular form, be forwarded to the State Government for concurrence.

It is, therefore, resolved that in case the pay level of a promotional post is identical with that of its feeder post, the State Government may consider any proposal, to be initiated by the administration of the Hon'ble High Court, Calcutta for allowing a higher initial or minimum pay in the same pay level to the promotional post. This is, however, subject to approval of the competent authority of the Finance Department in the Govt. of West Bengal."

2. In view of the above, this Court directs that the petitioners' pay scale in ROPA 2019 should be fixed at Level-21, i.e. Rs.1,23,100-1,91,800/- forthwith.
3. There is concurrence from the State to the extent that the cadre of the petitioners must be carved out separately due to the specialized nature of their job. The Judicial Secretary appears to have accepted the observations of this Court made in these proceedings.
4. The formal creation of an independent cadre and recasting thereof, according to the Judicial Secretary, must be done by following the process of a formal initiation from the administrative side of the High Court and forwarding the same to the State for "concurrence".
5. As regards the arrears payable to the petitioners, this Court directs that the aforesaid pay scale to the two writ petitioners shall be effective from the date they have assumed charge in the aforesaid posts, i.e. August 8, 2013. Let such arrears be paid to the petitioners within 2 months from date. The arrears, in the facts and circumstances, shall not carry any interest.

6. The recasting of the entire separate cadre as above and its pay scales shall follow after completion of the formalities as indicated hereinabove.
7. Let the minutes of the meetings dated May 21, 2024 and May 22, 2024 kept on record.
8. With the above directions, WPO No. 1554 of 2023 stands disposed of.

(RAJASEKHAR MANTHA, J.)

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