

11.06.2025.
Court No. 13
Item No. 9
sp

CPAN 344 of 2025
In
W.P.A. No. 10083 of 2024

Dilip Kumar Mitra & Ors.
Versus
Prabhat Kumar Mishra, Additional Chief Secretary,
Finance Department & Ors.

Mr. Asok Nath Ghosh,
Mr. Pronojit Roy.

...For the applicants.

Mr. Himadri Sekhar Chakraborty,
Ms. Debdooti Dutta.

..for the alleged contemnor no. 1.

Mr. Suman Sengupta, ld. Sr. Adv.
Mr. Sambuddha Dutta

..for the alleged contemnor nos. 2 to 3.

1. Learned counsel for the petitioners submit that all dues of the petitioners have been paid including leave encashment in terms of the unrevised pay scale. It is submitted that the petitioners are entitled to leave encashment in terms of the revised pay scale, i.e., 6th Pay Commission and the same is outstanding.

2. Learned counsel for the State and the company have placed a memorandum dated 29th November, 2019 issued by the Audit Branch of the Finance Department, Government of West Bengal which specifies at Clause-XI that “existing benefit of encashment of leave shall continue. “The benefit of leave encashment in the revised pay structure will be

admissible to those who will retire on or after 01.01.2020”.

3. A plain reading of the aforesaid Clause indicates that the petitioners who have retired prior to 01.01.2020 are entitled to leave encashment only on the pay scale existing prior to the application of the 6th Pay Commission.

4. In that view of the matter, the petitioners have received all their dues. The issue of legality of Clause-XI is, however, kept open for the petitioners to be agitated in an independent proceeding in accordance with law.

5. In view of the above, CPAN 344 of 2025 shall stand disposed of.

6. Rule, if any, shall stand discharged.

7. A copy of the memorandum dated 29th November, 2019 is kept with the record.

8. There shall be no order as to costs.

9. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)