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WEDNESDAY

COURT : MB-07
ITEM : AD-03
STATUS : DO
ID : 266057
AR : NANDY

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 8181 OF 2022

ASHOKTARU SASMAL

VS.

THE STATE OF WEST BENGAL & ORS.

MR. ARUNAVA BANERJEE, ADVOCATE
MS. SIMANTIKA DASGUPTA, ADVOCATE
MR. SK. QAREEB, ADVOCATE

.....for the Petitioner

MR. N. GHOSH DOSTIDAR, ADVOCATE

.....for the State

1. Supplementary affidavit filed on behalf of the petitioner, is taken on record.
2. The present writ-petition has been filed primarily for the following reliefs:-
 - a) *A writ in the nature of Mandamus commanding the respondents/authorities concerned to refix the pay of the petitioner to additional grade pay of Rs.200/- from September 9, 2009, i.e. the date of appointment of the petitioner as an Headmaster in terms of G.O. No. A6-SE(3) dated February 27,2009 and, further, commanding them to act in accordance with law;*
3. Mr. Banerjee, learned Advocate representing the petitioner, submits that the petitioner joined as Headmaster of Bakhrabad Bharati Vidyapith (H.S.) on 09.09.2009. The school was upgraded in the year 2000 and, therefore, as per the applicable rules, the petitioner is entitled to receive a 3% additional increment along with a grade pay of Rs. 200/-. He submits that while the 3% additional increment was granted in favour of the petitioner, the grade pay of Rs. 200/- has not been added to the petitioner's pay scale.
4. The petitioner submitted a representation requesting the concerned respondent to release the aforesaid benefits in his favour. However, despite receiving such representation, no steps were taken. This inaction prompted the petitioner to file a writ petition, being WP 10823 (W) of 2018, before this Hon'ble Court. The said writ petition was disposed of by a Coordinate Bench of this Court on 22.07.2019, directing the District Inspector of Schools to consider and dispose of the representation

dated 01.06.2017 in accordance with law, after affording an opportunity of hearing to the petitioner.

5. In compliance with the said order, the concerned District Inspector of Schools passed a reasoned order, virtually accepting the petitioner's claim. However, the benefits have not yet been extended to the petitioner, and his pay has not been re-fixed. Faced with such a situation, the petitioner has been constrained to file the present writ petition. He prays for a direction upon the concerned District Inspector of Schools to re-fix his scale of pay and to release the benefits along with arrears of pay.
6. Mr. Ghosh Dostidar, learned Advocate representing the State, submits that as per the applicable Rules, the petitioner is entitled to a 3% additional increment along with a grade pay of Rs. 200/-. He further submits that the petitioner's scale of pay will be revised shortly, and all the benefits shall be released to him soon thereafter.
7. Heard the learned Advocates for the parties. Perused the materials-on-record.
8. The order dated 15.12.2020, issued by the District Inspector of Schools in compliance with the Hon'ble Court's order dated 22.07.2019 passed in WP 10823 (W) of 2018, noted as follows:-

"It transpires that the petitioner joined as the Headmaster at Bakhraabad Bharati Bidyapith on 09.09.2009. The School in question was upgraded in the year 2000. The petitioner has been enjoying 3% increment and grade-pay of Rs.5,400/- since 09.09.2009 for becoming the headmaster. No I am of the view that for shouldering higher responsibility at a Higher Secondary School, the petitioner is allowed to enjoy additional grade-pay of Rs.200/- from 09.09.2009, the date of appointment of Headmaster in terms of G.O. No. A6-SE(3) dated 27.02.2009 and 181-SE(B) dated 08.10.2009.

The School authority will submit papers to the office of the ADI/S (SE), Kharagpur for re-fixation of pay and subsequent payment Thus the writ-petition is considered and stands disposed off de jure"

9. Therefore, a bare perusal of the order dated 15.12.2020 reveals that the District Inspector of Schools has virtually accepted the petitioner's claim. The order dated 15.12.2020 noted that the petitioner has been enjoying the 3% increment and a grade pay of Rs. 5,400/- since

09.09.2009, and is also entitled to an additional grade pay of Rs. 200/- with effect from 09.09.2009. Hence, there cannot be any impediment in accepting the petitioner's claim.

10. Taking note of the stand taken by the State, the writ petitions is disposed of, directing the District Inspector of Schools to re-fix the petitioner's scale of pay by adding Rs. 200/- and additional 3% increment, if not added previously, to the existing scale of pay and to release all consequential benefits, including arrears of pay.
11. Such payment shall be made within a period eight weeks from the date of receipt of a copy of this order.

(PARTHA SARATHI CHATTERJEE, J.)