

Item No.- 33
15.07.2025
Court No. 8
Rohan

**In the High Court at Calcutta
Civil Appellate Jurisdiction
Appellate Side**

**FMA 792 of 2025
With
I.A. No.: CAN 1 of 2025**

**Joydeb Giri
Versus
The State of West Bengal & Ors.**

Mr. Rabilal Maitra, Sr. Adv.,
Mr. Kanailal Samanta,
Mr. Rajitlal Maitra.

... for the appellant

Mr. Gourav Das,
Mr. Soumik Dey.

... for the State

Ms. Koyeli Bhattacharyya.

... for the W.B.B.S.E.

Mr. Ali Ahsan Alamgir,
Ms. Soma Mal,
Ms. Rabia Khatoon,
Mr. J. Modak.

... for the respondent No. 7

1. The grievance of the writ petitioner is that after the withdrawal of suspension, he has not been receiving scale of pay in terms of ROPA 2019.
2. It is submitted that the writ petitioner resumed duty on 17th June, 2023 and retired on superannuation on 30th June, 2023. The petitioner was under suspension from 29th April, 2014 to 20th February, 2023 during the period of his jail custody.

3. The issue raised was if he had resumed duty on 17th June, 2023 and retired on superannuation on 30th June, 2023, he will be entitled to a scale of pay and according to Mr. Maitra, it should be the scale of pay in terms of ROPA 2019.
4. The State possibly cannot deny the scale of pay in terms of ROPA 2019 at least for the period between 17th June, 2023 and 30th June, 2023. In the event there is any shortfall with regard to payment of salary in terms of ROPA 2019 after he resumed his duty till he retired, the State shall release the said shortfall within a period of four weeks from date subject to the result of the writ petition.
5. The appeal being **FMA 792 of 2025** along with the connected application being **CAN 1 of 2025** are **disposed of**.
6. In the event the affidavits are not filed by the State respondents, we request the learned Single Judge to decide the writ petition without affidavits as regards the respondents who have not filed their affidavits.

(Soumen Sen, J.)

(Smita Das De, J.)