

18.03.2025.
09
Ct.No.654.
as

WPA 9394 of 2018

Dilip Kumar Das
Vs.
State of West Bengal & Ors.

Mr. Santanu Banerjee,
Mr. Raja Ghosh.
...for the Petitioner.

1. Affidavit of service filed in Court today be kept on record. Despite service, the respondents are unrepresented.
2. The present writ petition has been preferred seeking a directive to the concerned respondent to pay an arrears of salary amounting to Rs. 1,68,493/-, along with the interest accrued thereon.
3. The essential facts that need to be outlined for the effective adjudication of the writ petition are that the petitioner was initially appointed as an organizing teacher at a school, which was later recognized and upgraded to Class 'X'. The petitioner's appointment was originally approved with effect from January 1, 1988. However, the petitioner was dissatisfied with this decision and filed writ petition WP 12910 (W) of 2002 before this Hon'ble Court. The writ petition was disposed of by a coordinate Bench of this Court by an order dated September 25, 2002. However, in compliance with the order dated 25.09.2002, the petitioner's appointment was approved from January 1, 1985, instead of January 1, 1988.

The petitioner was initially an untrained candidate, and as a result, his increment was withheld from January 1, 1990, to December 31, 1994. However, after completing ten years of service, the increment was reinstated with effect from January 1, 1995. Consequently, an arrear amount of Rs. 1,68,493/- became payable to the petitioner.

4. The records show that, due to this irregularity, the District Inspector of Schools directed the school authorities to submit a fresh proposal. However, subsequently, the District Inspector of Schools forwarded a proposal to the Director of School Education, as reflected in his memo dated July 2, 2012, which confirmed that an arrear amount of Rs. 1,68,493/- was due. In light of these facts, I see no reason to deny the relief sought in the writ petition.

5. Accordingly, the writ petition is allowed. The District Inspector of Schools, respondent No. 3 herein, is directed to take immediate steps to ensure the payment of the amount of Rs. 1,68,493/-, along with interest at the rate of 8% per annum accrued thereon, for the period from the date it became payable until the date of actual payment. The payment should be made to the petitioner within a period of four weeks from the date of receipt of a copy of this order.

6. It is clarified that the direction for the payment of interest is not intended as a penalty or punishment, but rather as a standard accrual on the principal amount. Since the authority has been holding the amount, it is their obligation to pay the interest that has accrued on it, in accordance with the prevailing banking rate of interest.

7. With this observation and order, this writ petition is, thus, disposed of.

(Partha Sarathi Chatterjee, J.)