

13.06.2025
Ct. No. 2
D/L Sl. No. 21
Moumita

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

WPA 11133 of 2025

Himanshu Mondal & Ors.
Vs
The State of West Bengal and Ors.

Mr. Asok Nath Ghosh

..... for the Petitioner

Mr. Nobhojit P. Basu

Mr. Subhayu Das

..... for the State

Ms. Mahima Mukherjee

Mr. Aaharnish Ghosh

....for the respondent nos. 4 and 5

Affidavit-of-service, filed in court today, is taken on record.

Mr. Asok Nath Ghosh, learned advocate appears for the petitioner.

Mr. Nobhojit P. Basu, learned advocate with Mr. Subhayu Das, learned advocate appears for the state.

Ms. Mahima Mukherjee, learned advocate with Mr. Aaharnish Ghosh, learned advocate appears for the respondent nos. 4 and 5.

The petitioners claim to be the existing employees of respondent no. 5. Their respective dates of retirement would appear from **annexure p-1 at page 19** to the writ petition which shall be sometime **in between 2028-2029**. The petitioners claim benefit of the effect 6th Pay Commission which was effected on and from **January 1, 2020**. The relevant notification for revision of pay is **annexure p-4 at page 34** to the writ petition.

Drawing attention to a justice demand dated **April 16, 2025 Annexure p-5 at page 44** to the writ petition, learned advocate for the petitioner submits that the claim of the petitioners have not yet been considered.

In view of the above, the respondent no. 5 is directed upon issuing a prior hearing notice of **at least seven days** to the petitioners and after granting them an opportunity of hearing shall decide the said representation of the petitioners made through their learned advocate dated **April 16, 2025 Annexure p-5 at page 44** to the writ petition, by passing a reasoned order in accordance with law.

The entire exercise shall be carried out and completed by the respondent no.5 positively within a period of **eight weeks** from the date of communication of this order. The reasoned order shall be communicated to the petitioners within a further period of **one week** from the date of the said reasoned order to be passed.

It is provided that the petitioners may be accompanied with their duly authorized representative to participate in the hearing before the respondent no. 5.

It is made clear that, this court has not gone into the merits of the claim of the petitioners and the petitioners shall be at liberty to urge whatever points they wish to urge by relying upon whatever records, documents and order of court but the same shall not

travel beyond the scope of the said representation as referred to above.

In the event, the reasoned order goes in favour of the petitioner, the respondent no. 5 and/or any other appropriate authority of the employer shall give an immediate effect thereto in every respect with all consequential benefits to which the petitioners shall be found to be eligible in accordance with law, but positively within a period of **three weeks** from the date of the said reasoned order to be passed. The necessary pay fixation shall also be made.

Since affidavits are not called for, the allegations made in this writ petition is deemed not to have been admitted by the respondents.

With the above observations and directions, this writ petition, **WPA 11133 of 2025** stands **disposed of**, without any order as to costs.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties expeditiously, on compliance of usual legal formalities.

(Aniruddha Roy, J.)