

23.06.2025

Item No.27

Crt.No.02

b.r.

WPA 11959 of 2025

Nirmal Kumar Ghosal

-vs-

W.B.S.E.D.C.L. & Ors.

Mr. Nilanjan Pal

Mr. Atreya Chakraborty

..... for the petitioner.

Mr. Suman Sankar Koley

... for the W.B.S.E.D.C.L

Mr. Suman Basu

Ms. Debapriya Ghosh

.... For the Respondent no.5

Affidavit of service filed in Court, is taken on record.

The petitioner is a retired **judicial officer** who has served the **State District Judiciary**. After retirement by virtue of a contractual appointment, the petitioner has joined as **Legal Adviser** of the Electricity Distribution Company. The terms and conditions of the contractual appointment are enumerated in the communication dated **December 20, 2016, annexure p-5 at page-17** to the writ petition.

Pursuant to and in terms of the **judgement of the Hon'ble Supreme Court dated May 19, 2023** delivered in **Writ Petition (Civil) No. 643 of 2015, In the Matter of: All India Judges Association & Ors -vs- Union of**

India and Ors., the petitioner has claimed certain monetary benefits on account of arrear pay and allowances from the Electricity Distribution Company. The petitioner has submitted its representation dated **October 13, 2023, annexure p-4 at page-50** to the writ petition and **September 9, 2024**. The Electricity Distribution Company by its communication dated **February 12, 2025** has taken a stand that whatever was legitimately payable to the petitioner since **January 2017 till December 2019**, the statement has been made ready in accordance with law. The Arrear for the period from **January 1, 2020 till October 31, 2021** as admissible in terms of **ROPA 2020** had already been paid to the petitioner taking into consideration his enhancement of Basic Salary.

Learned counsel appearing for the petitioner referring to the communication of the Electricity Distribution Company dated **February 12, 2025** submits that the petitioner has not been paid for the period **January 2017 till December 2019** in terms of the **Government Order** dated **July 31, 2023** as mentioned in the said communication. The relevant portion from the said communication is quoted below:-

“ 2. It was further observed that since January 2017, Basis Pay of Shri Ghoshal was revised from Rs.35915/- to Rs.102535/- considering his revised last pay of

Rs.205070/- following the directives of G.O.No.2824-J/JD Dtd: 31.07.23 read with Circular No. Pen.Co-ordn/65/Vol-V/94 Dtd: 27.09.23 in calculation of his remuneration, accordingly, due drawn statement for the period from January 2017 to December 2019 has been prepared and enclosed herewith for ready reference.

3. Arrear for the period from 01.01.2020 to 31.10.2021 as admissible in terms of ROPA 2020 had also been paid to him taking into consideration his enhancement of Basic Salary.

Enclo: As stated”.

With reference to the above quoted portion from the said letter, learned counsel for the petitioner submits that in so far as the arrear mentioned in **paragraph-3** above, the same has already been paid and the petitioner does not have any further claim on that.

After considering the submissions made on behalf of the parties and on perusal of the materials on record, it appear from the said letter dated **February 12, 2025** that a ***Due Drawn Statement*** for the period from **January 2017 to 2019** has been prepared and enclosed for ready reference.

Mr. Sujit Sankar Koley, learned counsel appearing for the Electricity Distribution Company submits that he has not received any instruction whether this amount has been paid or not as mentioned

in **paragraph-2** in the said letter dated **February 12, 2025**. He further submits since the expression is used as ***Due Drawn Statement*** it seems that the amount might have been paid.

In view of the above, the **respondent no.3** upon verification of records shall first ascertain whether the amount has already been paid as mentioned in **paragraph-2** in the said letter dated **February 12, 2025**, as quoted above.

In the event, the said amount has not yet been paid then he shall immediately issue instruction upon the appropriate authority of the Electricity Distribution Company to release the payment in favour of the petitioner but positively within a period of **four weeks** from the date of communication of this order.

In the event, the record shows the amount has already been paid to and received by the petitioner then the respondent no.3 by a communication shall intimate the details of such payment to the petitioner within the said period of **four weeks**.

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

With the above observations and directions, this writ petition, **WPA 11959 of 2025** stands ***disposed of***, without any order as to costs.

Photostat certified copy of this order, if applied for,
be furnished expeditiously.

(Aniruddha Roy, J.)