

WPA 14744 of 2024

16.5.2025

Asish Kr. Roy. -vs- The State of West Bengal & Ors.

Ct.25,sl.
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sk

Mr. K.M.Hossain
Ms. Keya Sutradhar
...for the petitioner.

Mr. Supriyo Chattopadhyay
Ms. Iti Dutta
...for the State.

1. In this writ petition the petitioner prays for relief in terms of prayer “b” thereof i.e. a direction upon the respondent to issue a revised pension payment order in terms of his last pay and disbursement of arrear as well as current pension.
2. The factual background of the case in brief may be stated in the manner as follows:-
3. That the petitioner states that he was appointed as the Headmaster of the School on 04.08.2007 which was subsequently upgraded to a Higher Secondary School on 27.08.2013. By virtue of such upgradation, the petitioner becomes the Headmaster of the said Higher Secondary School. Now in pursuance to the various G.O. dated 08.10.2009 and 10.02.2010 and the clarificatory notification dated 04.12.2014 which were operating in the field at the time of upgradation of the said school, the petitioner herein is well entitled to one additional increment at the rate of

3% of the existing basic pay along with the additional grade pay from the date of such upgradation which has been subsequently illegally withdrawn vide memo dated 22.03.2017. Here it may be noted that the withdrawal notification dated 22.03.2017 did not clarify whether the said notification had any retrospective effect. In fact, the wording of the said notification dated 22.03.2017 makes it apparent that the said notification would only apply prospectively and not retrospectively. Therefore, the pay fixation of the petitioner granting one additional increment granted by the concerned D.I. vide memo dated 24.09.2014 appears to be absolutely legal and the said notification dated 22.03.2017 appears to have no application in the case of the petitioner.

4. Therefore, the issue involved in the instant writ petition is whether the petitioner would be eligible for grade pay as well as 3% additional increment, he is being the Headmaster of the School. The issue has been earlier dealt with and decided by this Court in the order dated January 15, 2024 in WPA 6287 of 2921 and also that dated March 20, 2024 in WPA 15523 of 2019. The ratio similarly applies in case of the present petitioner.

5. The Court does not find to differ in the instant case in any way than the relief granted to the petitioner in the writ petitions as mentioned above. Accordingly it is ordered that the instant Writ Petition being WPA No. 14744 of 2024 is allowed.
6. The benefit of additional 3% increment and grade pay should be allowed to the petitioner and necessary fixation of pension in terms of the same should be made. Also that the arrear pension be granted to the petitioner in terms of the said benefit.
7. Hence, the order is being made, accordingly. The respondent no. 4 is directed to immediately issue the revised pension payment order of the petitioner in accordance with the order of this Court as above, positively within a period of four weeks from the date of communication of this order.
8. The respondent no. 3 is directed to immediately implement the revised pension and disburse the arrear pension of the petitioner maximum within a period of four weeks from the date of issuance of the revised the pension payment order.
9. With the above observations and directions the writ petition being WPA 14744 of 2024 is disposed of.

10. Since no affidavit is invited, the allegations contained in the petition are deemed to have been denied by the respondents including the private respondents.
11. Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Rai Chattopadhyay, J.)