

08.05.2025

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Ct. No.10

WPA 13839 of 2023

(Assigned)

Aniruddha Pandit

VS.

The State of West Bengal & Ors.

Mr. Bikash Shaw

Mr. Sk. Saad Islam

...for the petitioner

Mr. N.C. Bihani

Mr. Soumya Mukherjee

...for the WBPCB

Mr. Arjun Roy Mukherjee

Ms. Tuli Sinha

...for the State

The grievance of the petitioner is directed against an order dated 16th December, 2020 passed by the Principal Secretary, West Bengal Pollution Control Board along with the consequential Pension Payment Order dated 6th July, 2021 issued by the Assistant Director, Directorate of Pension and Provident Fund.

It is submitted on behalf of the petitioner that there has been a violation of the principles of natural justice in issuing the impugned communication. The petitioner alleges to be entitled to a higher scale of pay and submits that notwithstanding fulfilling all the requirements, the respondent authorities have not granted the petitioner the higher scale of pay.

On behalf of Board, it is submitted that they have forwarded a letter enclosing a copy of the passing certificate of the petitioner, which alleges entitles the petitioner to a higher scale of pay as on 18th December, 2008.

Mr. Bihani, Advocate appearing on behalf of Board submits that in the above facts, the State is directed to consider the communication dated 25th August, 2023 and ascertain as to whether the petitioner has fulfilled the prescribed requirements entitling the petitioner to a higher scale of pay.

On behalf of the State authorities, it is submitted that on the available records, no passing certificate regarding the Departmental and Professional Examination had been furnished as stipulated under the mandatory requirements as well as the extant Government Order. It is further alleged on behalf of the State authorities that the petitioner was obliged to furnish an attested copy of the Passing Certificate. However, no such certificate had been furnished by the petitioner.

In view of the above facts, all the parties submit that the matter should be reconsidered by the respondent State.

In such circumstances, WPA 13839 of 2023 is disposed of by directing the State authorities to

consider the communication dated 25th August, 2023.

It is needless to mention that there has been no adjudication on the merits of the case. There is also no adjudication on the authenticity and veracity of the communication dated 25th August, 2023 relied on by the Board including the alleged passing certificate.

All questions of the merits of the case are left open, which are to be considered by the concerned State authority in accordance with law.

The above exercise has to be completed within a period of eight weeks from the date of communication of this order.

The Report filed by the State be kept with the records.

(Ravi Krishan Kapur, J.)