

Item No. 39

**IN THE HIGH COURT OF JUDICATURE AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

HEARD ON : 28.10.2025

DELIVERED ON : 28.10.2025

CORAM:

**THE HON'BLE ACTING CHIEF JUSTICE SUJOY PAUL
AND
THE HON'BLE JUSTICE SMITA DAS DE**

MAT 1143 of 2024

**State of West Bengal & Ors.
vs.
Tarun Kumar Roy & Ors.**

Appearance:-

Mr. Tapan Kumar Mukherjee, Sr. Adv., AGP
Mr. Pinaki Dhole
Mr. Somnath Naskar

... for the Appellants

Mr. Saktipada Jana

... for Respondents/Writ Petitioners

Mr. Ranjay De, Sr. Adv.
Mr. Basabjit Banerjee
Mr. Adityajit Abel Bose

... for Proforma Respondent (DCL)

JUDGMENT

***(Judgment of the Court was delivered by The Hon'ble Acting Chief Justice
SUJOY PAUL)***

1. Parties are represented through their respective learned counsels.
2. With the consent of the parties the appeal is finally heard.

3. This intra-Court appeal takes exception to the order dated 24.01.2024 passed in WPA 27000 of 2023 whereby this Court following the previous order dated 25.07.2023 passed in WP No. 383 of 2023 has granted relief to the original petitioners.
4. Mr. Mukherjee, learned senior counsel for the appellants submits that the learned Single Judge has granted three-fold reliefs to the original petitioners. Firstly, the relief relating to ROPA 2019 (Sixth Pay Commission) benefit were directed to be extended in favour of the petitioners. Secondly, the learned Single Judge opined that the petitioners' appointments must be deemed to be against the sanctioned posts and de facto approved by the State Government. Accordingly, they were directed to occupy/fit into the post of Chemist (Grade-1), Store Officer and Senior Stenographer respectively. Lastly, the Court directed to pay 6% interest.
5. Mr. Mukherjee assailed the impugned order on twin grounds. He submits that so far the benefit of ROPA 2019 (6th Pay Commission) is concerned, the appellants are not pressing any relief in this regard and the original petitioners are indeed entitled to enjoy the benefit of the order dated 25.07.2023 passed in WP No.383 of 2023. To this extent, no eyebrows are raised on the impugned order passed by the learned Single Judge.
6. The appellants are aggrieved on the directions whereby the learned Single Judge treated writ petitioners as "deemed appointed" against the sanctioned posts and directed them to occupy/fit into the posts of Chemist (Grade-I), Store Officer and Senior Stenographer respectively and further directed to grant them 6% interest. These directions were assailed by contending that in

the main writ petition, the petitioners had not claimed any benefit in the relief clause for occupying the posts of Chemist (Grade-I), Store Officer and Senior Stenographer. In absence of any relief being claimed, the learned Single Judge was not justified in directing them to be treated as fitted into the said posts. Apart from this, the direction to treat them as “deemed appointed” on sanctioned post by the State Government is bad in law. The direction to pay 6% interest could not sustain judicial scrutiny in the similar matter i.e. WP No.383 of 2023 dated 25.07.2023. The said order of coordinate Bench was assailed by the Department in MAT 2267 of 2023 and in paragraph 17 of the order, the Division Bench set aside the direction of grant of 6% interest.

7. For these reasons, the impugned order to the extent indicated above deserves interference.
8. Learned counsel for the company submits that during the pendency of this appeal, the financial benefits arising out of ROPA 2019 (Sixth Pay Commission) have already been extended in favour of the writ petitioners.
9. Learned counsel for the respondent/writ petitioners submits that the financial benefits flowing from ROPA 2019 (Sixth Pay Commission) have already been extended in favour of the writ petitioners. So far the objection regarding promotion on aforesaid three posts is concerned, reliance is placed on the document “Annexure I” (at page 167) which shows that all the writ petitioners have been absorbed in the Food and Supply Department of the State Government. They are occupying the relevant posts on such absorption in the State Government department. They are satisfied with the

posts they are occupying upon absorption and, therefore, paragraph 15 of the impugned order is of no consequence. Learned counsel for the writ petitioners fairly admits that in MAT 2267 of 2023, the interest port of the impugned order has been set aside.

10. No other point is pressed by the learned counsel for the parties.
11. We have heard the learned counsels for the respective parties at length and peruse the record.
12. Two findings which troubled the present appellants were in relation to a finding treating them occupying deemed sanctioned post de facto approved by the State and consequent direction to fit them into the post of Chemist (Grade 1), Store Officer and Senior Stenographer respectively. As notice above, the learned counsel for the writ petitioners clearly stated that upon absorption in Food and Supply Department, they occupied different posts like Chemist, Store Officer and Stenographer and they are no more interested to occupy the posts mentioned in paragraph 15 of the impugned order. Thus, in our opinion, the findings given in paragraphs 14 and 15 have become academic and there is no need to examine the correctness of the said findings. However, it is made clear that the writ petitioners will not be entitled to enjoy the fruits of the benefits arising out of paragraph nos.14 and 15 of the impugned order. However, they will continue to enjoy the benefit of Sixth Pay Commission, which has already been granted in their favour.
13. The findings mentioned in paragraph 16 of the impugned order deserves interference for simple reason that the order of the learned Single Judge is based on the findings of coordinate bench in WP No.383 of 2023 decided on

25.07.2023. Similar direction of grant of 6% interest could not sustain judicial scrutiny and was set aside in MAT 2267 of 2023. For this reason, we set aside the directions given in paragraph 16 of the impugned order.

14. In the result, the petitioners will not be entitled to claim any benefit arising out of paragraphs 14 and 15 of the impugned order. The direction given in paragraph 16 of the impugned order regarding grant of interest is set aside. The intra-Court appeal is **disposed of**.

(SUJOY PAUL)
ACTING CHIEF JUSTICE

I agree.

(SMITA DAS DE, J.)

RP (AR. CT.)