

05.12.2025
(D/L-13)
Ct. No.4
(B.K.N.)

**F.M.A. 55 of 2021
With
CAN 1 of 2019 (Old CAN 11325 of 2019)**

**Debdas Ganguly
Vs.
The Chairman-cum-Managing
Director, WBSEDCL & Others**

Mr. Gokul Chandra Chakraborty,
Mr. Aditya Shit
...for the Appellant/Petitioner

Mr. Sumit Kr. Panja,
Mr. Sumit Roy
...for the W.B.S.E.D.C.L.

Mr. Vimal Kumar Shahi, Ld. AGP
Ms. Kakoli Naskar
...for the State

1. For shifting of the date of annual increment from March to April the petitioner approached the Writ Court by filing a writ petition. The writ petition was filed in 2019 whereas the benefit sought is with reference to the year 1993-1994. Under the circumstances a stand was taken by the respondents before the Writ Court that they are not in a position to ascertain the veracity of his claim as the documents are not traceable.
2. The learned advocate appearing for the writ petitioner submits that the petitioner's claim has wrongly been considered by the Hon'ble Single Judge to be barred by delay and latches. It is well established concept of service jurisprudence that such matters where the claim is monetary and with reference to a monthly

recurring cause of action based on the salary drawn, it ought to have been considered as a continuous wrong. Be that as it may the issue still remains whether the petitioner is able to make out a case for grant of such benefits based on any contemporaneous documents.

3. The learned advocate submits that if the petitioner is able to substantiate his claim from contemporaneous documents, he may be given a liberty to approach the authorities.
4. Considering the above factual background, and the settled principle of law regarding a continuous wrong, we leave it open to the petitioner to approach the authority concerned, in respect of his claim, giving details with reference to contemporaneous documents.
5. The appeal is accordingly disposed of.
6. Pending application/s, if any, are also disposed of.
7. Urgent Photostat Certified copy of this order, if applied for, be supplied to the parties upon compliance with all necessary formalities.

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)