

S/L 2
13.04.2026
Court No.24
SD

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 349 of 2026

Swapan Gain

Vs.

The State of West Bengal & Ors.

Mr. Sakti Pada Jana

...for the Petitioner.

Mr. Ranjit Rajak

...for the State.

1. The petitioner initially employed as an Assistant Teacher and was thereafter posted as the Headmaster of the Balti High School, North 24 Parganas and subsequently joined as Headmaster at Shimulpur Anandapara Narahari Vidyapith on July 15, 2016. The petitioner retired from service on November 30, 2025. In terms of the order of the Additional District Inspector of Schools, the petitioner had been receiving salary along with necessary increments since September, 2007 and thereafter in the fitment scale payable to the Headmaster for taking additional responsibility.

2. In terms of the direction contained in the order dated January 21, 2026, the pension payment order (PPO) has been issued. A copy whereof has produced, is kept on record.

3. Petitioner has now been foisted with an order passed by the respondent no. 3 which, to say the least seems rather whimsical. Payments made to the petitioner have been observed in the following manner:

“1) Pay fixation as H.M. of Higher Secondary School on 01.07.2006 is to be reviewed and rectified under Ropa 2009. So PSA is requested to recast the pay from 01.07.2006 till dt. of retirement and calculate the O/D amount accordingly. The amount of O/D is also to be deposited through T/C. LPC to be rectified. The instant case should be verified by ADA/JDA.”

4. As will appear from the observations that there is no application of mind nor any finding nor any reasoning by the respondent no. 3 as to why the petitioner will not be entitled to the increments or as to why the payment which was sanctioned by the office of the District Inspector of Schools, North 24 Parganas, “seems wrong”. The said observation is without any basis and is accordingly set aside.

5. I direct the respondent no. 5, in view of the decision of the Hon’ble Supreme Court of India in *State of Punjab & Ors. Vs. Rafiq Masih (White Washer)* reported in (2015) 4 SCC 334 to refund the amount which has been deducted from his gratuity as per the pension payment order dated April 18, 2026.

6. Respondent no. 2 is directed to decide the issue of re-fixation of the pay scale of the petitioner strictly on the basis of available documents by May 15, 2026.

7. In the event the order is in favour of the petitioner, consequential benefits including the Pension Payment Order and disbursement thereof will be made as expeditiously as possible preferably within a period of six weeks from the date of passing of this order.

8. With the aforestated directions, the writ petition is disposed of.

9. There shall, however, be no order as to costs.

10. Urgent photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Reetobroto Kumar Mitra, J.)