

11.05.2026
Item No.25
Ct. No. 1
RP

WP.CT 34 of 2026
Union of India & Ors.
Vs.
Kesto Chatterjee

Mr. Kumaresh Dalal
Ms. Mary Dutta
...For Petitioners

Ms. Soma Kar Ghosh
Mr. Arabindo Pathak
Ms. Suparna Paul
Ms. Shilpi Ghosh
...For Respondent

Dictated by SUJOY PAUL, CJ.:-

1. Parties are represented through their respective learned counsels.
2. Heard on admission.
3. This petition filed under Article 226/227 of the Constitution of India takes exception to the order of the Central Administrative Tribunal (Tribuna), Kolkata Bench dated 17.07.2025 passed in OA No.350/363/2023 whereby the benefit of stepping up of pay was given to the petitioner by considering his claim qua Gobinda Khan, who is

admittedly junior to him as per seniority list published on 15.2.2022. The Tribunal further opined that this point is no more res integra because in WPCT 17 of 2022 decided by this Court on 18.07.2022 certain findings were given which makes it clear that even assuming that pay anomaly existed in the case of Gobinda Khan the said anomaly can be permitted to be rectified. However, if department does not rectify the same it will be lawful for the department to extend identical and similar benefit by fixing the scale of pay of respondent corresponding to the date of benefits given to Gobinda Khan within stipulated time.

4. The Tribunal opined that that the applicant before it could make out a case of stepping up of pay over and above to his junior Gobinda Khan and, accordingly, directed stepping

up of pay from appropriate date i.e. 27.10.1999.

5. Learned counsel for the petitioners did not dispute that Gobinda Khan's pay anomaly has not been corrected. The singular argument advanced by him is that the original application was barred by time. The representation submitted by the applicant for stepping up of pay was rejected way back in 2012. The OA was filed in the year 2023.
6. Learned counsel for the respondent/applicant supported the order. No other point is pressed by the parties.
7. On a specific query from the Bench the learned counsel for the petitioner fairly submitted that no objection regarding limitation was taken by the department in its affidavit-in-opposition before the Tribunal. In our opinion, the said objection is

hyper-technical and insignificant in the teeth of finding given by this Court in WPCT 17 of 2022 on 18.07.2022. In view of this order passed in 2022 by the High Court the rejection order of 2022 pales into insignificance.

8. The necessary ingredients for ordering stepping up of pay were available before the Tribunal and the Tribunal upon its satisfaction ordered stepping up of pay. In our opinion, the Tribunal has taken a plausible view, which does not warrant interference and is declined. The petition is dismissed.

(SUJOY PAUL, CJ.)

(PARTHA SARATHI SEN, J.)