

24.03.2026
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WPA 3293 of 2026

Md. Kabir
Vs.
The State of West Bengal & Ors.

Mr. Sakti Pada Jana
.... for the petitioner

Mr. Biswajit De
Mr. Mostafijur Rahaman
.... for the State

1. Let affidavit-of-service, as filed in Court, be kept on record.
2. The petitioner initially employed as an Assistant Teacher and was thereafter posted as the Headmaster of the Gundia High School, Murshidabad. The petitioner retired from service on October 31, 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, 2008 and thereafter in the fitment scale payable to the Headmaster for taking additional responsibility.
3. The petitioner had preferred an earlier writ petition, which was disposed of by an order of this Hon'ble Court on March 20, 2024, directing that the petitioner would be entitled to the increments as well as the additional increment of 3%.

Pursuant thereto such payments were made to him in due course.

4. 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) The pay as have been noted in the Service Book and in the Part-II Of Part-D with effect from 23.09.2008 and onwards seems wrong. Therefore, the pays needs to be corrected both in the Service Book and in Part-II of Part-D by way of recasting. Overdrawal of pay should be deposited into Government exchequer in T.R-7 form. Original copy of T.R-7 form must accompany the file along with calculation sheet.”

5. 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 Additional District Inspector of Schools, Murshidabad, “seems wrong”. The said observation is without any basis and is accordingly set aside.
6. I direct the respondent no. 2, 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 deposited by the petitioner under coercion by April 20, 2026.

7. 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 and in the light of the order dated March 20, 2024 of this Hon'ble Court, by May 31, 2026.
8. 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.
9. With the aforesaid directions, the writ petition is disposed of.
10. There shall, however, be no order as to costs.
11. Urgent photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Reetobroto Kumar Mitra, J.)