

06-04-2026
Item No.16 ML
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction

Appellate Side

WPA No.11731 of 2024

Subhajit Sarkar & Ors.

-vs-

The State of West Bengal & Ors.

Mr. Tanmoy Chowdhury

Ms. Ritoprita Ghosh

...for the petitioners

Mr. Krishna Keshab Paul

...for the State

1. The petitioners are working as contractual pharmacist in different correctional homes in the State. They seek benefit in terms of Memo No.1091-F (P2) dated March 1, 2024 published by the Additional Chief Secretary, Government of West Bengal, Finance (Audit) Branch.
2. The memo relied upon by the petitioners relates to enhancement of remuneration of casual/contractual workers engaged in various Government establishments in terms of Memo No.9008-F(P) dated September 16, 2011.
3. The Special Officer, Directorate of Correctional Services has filed a report denying the claim of the petitioners. It has been mentioned that as the petitioners were not eligible to avail the benefit in terms of the 2011 memo, accordingly, the benefit in terms of the memo relied upon by the petitioners cannot be allowed.
4. The petitioners were engaged in the year 2019-2020. The subject memo relying on which the petitioners seek the relief mentions about the

casual/contractual workers engaged in various Government establishments in terms of Memo dated September 16, 2011. Admittedly, the petitioners were not in service when the 2011 memo was issued.

5. The Court is of the view that as the petitioners were not eligible for enhancement of remuneration in terms of the parent memo of the year 2011, accordingly, the benefit in furtherance to the parent memo cannot be made applicable to the petitioners in the absence of any specific provision permitting the same.
6. The submission of the petitioners that there is a provision for enhancement of remuneration on completion of five years of initial engagement will not come to their aid, as the said five years from initial engagement has to be taken into consideration in terms of the 2011 memo, and not in terms of the subsequent memo relied upon by the petitioners.
7. In view of the above, no relief can be granted to the petitioners in the instant case.
8. The writ petition fails and is hereby dismissed.
9. All parties are to act on the server copy of this order duly downloaded from the official website of this Court.
10. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]

