

Form No.J(2)

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

Present :

The Hon'ble Justice Raja Basu Chowdhury

WPA 16633 of 2023

(Assigned)

Ranjit Kumar Das

versus

Katwa Municipality & Ors.

For the petitioner : Mr. Chirantan Sarkar
Mr. Subhrajyoti Datta

For the respondent nos. : Mr. Tapash Kr. Bhattacharya
1 & 2. Mr. Aviroop Bhattacharya

Heard on : 19.01.2026

Judgment on : 19.01.2026

Raja Basu Chowdhury, J (Oral):

1. The instant writ petition has been assigned before this Court.
2. This matter pertains to claim of differential amount of salary and / or arrear salary payable to the petitioner from 1st June 1992 to 30th June 2004 and / or directing disbursal of admissible service benefits.
3. By consent of the parties the matter is taken up for final hearing.

4. The matter has a checkered history. The petitioner was originally appointed as a clerk in Katwa Municipality and later was transferred to the post of cashier. While discharging his duties on 15th June 1992, in relation to defalcation of cash amounting to Rs.10,000/- a proceeding was initiated by the municipality and criminal complaints were lodged against the petitioner including another peon. The criminal proceeding did not succeed. A domestic enquiry was conducted against the petitioner and the charges were proved. The same culminated in an order of dismissal from service. Accordingly, the petitioner was dismissed from service with effect from 30th June 2004. The appeal from such order also did not succeed.
5. The petitioner had, however, challenged such order by filing a writ petition which was registered as WP no.3088 (W) of 2005. By order dated 5th July 2013, a Coordinate Bench of this Court in the facts of the case had held that though the charges of misconduct against the petitioner in not discharging his duties has been proved, however, the punishment by way of dismissal being inappropriate though affirmed in appellate forum vide order dated 6th December 2004 was set aside by directing that the order of dismissal be treated as a voluntary retirement from service with effect from the date of dismissal from service and that the petitioner shall be entitled to all benefits up to the date

of voluntary retirement and to pay all retiral benefits to the petitioner.

6. Despite the aforesaid order, since the respondents did not make payment, the petitioner was constrained to file yet another writ petition which was registered as WP no. 10238 of 2015. By order dated 12th January 2018, the said writ petition was disposed of by directing the municipality to release the dues of the petitioner in terms of order dated 5th July 2013 passed in WP no. 3088 (W) of 2005. Unfortunately, since the municipality did not comply with the above direction, the petitioner was constrained to file a contempt application. It is during the pendency of the contempt application that the municipality had made payment of certain arrear dues. The petitioner contends that the arrears have been computed on the basis of the disclosure made by the respondents as appearing at pages 68 to 73 of the instant writ petition. According to the petitioner, there is a computation error while computing the arrear salary. The learned advocate appearing for the petitioner by drawing attention of this Court to the chart appearing at page 67 of the writ petition would submit that since the petitioner was kept under suspension with effect from 1st June 1992, the basic salary of the petitioner remained stagnant and continued as such until May 1993 and there had been no increment thereto despite the office order dated 8th August 2001 which required

ROPA 1998 to apply to the employees of Urban Local bodies. He has also drawn attention of this Court to the service book of the petitioner which has been disclosed by the municipality in the report filed by the respondent no. 3.

7. By drawing attention of this Court to the service book, he submits that as per the service book, the salary of the petitioner has been recomputed and has been made to be stage fit at Rs.4000/- with effect from 1st April 1996, unfortunately, such benefit has not been actually provided to the petitioner while recomputing the salary, arrears and other benefits. He submits that the petitioner is entitled to the aforesaid sum and should be disbursed the differential amount.
8. Mr. Bhattacharya, learned advocate appearing for the municipality has drawn the attention of this Court to the order dated 12th January 2018 passed in WPA 10237 of 2025 as appearing at page 51 of the writ petition and would submit that in terms of the aforesaid direction, the competent authority has not only recomputed the salary by passing a reasoned order but has forwarded the same to the petitioner. In this context, he had relied on the letter dated 15th February 2018 which was forwarded by cover of letter dated 27th February 2018 and received by the petitioner on 16th August 2023.
9. Having heard the learned advocates appearing for the respective parties, I find that from the disclosure made by Mr.

Bhattacharya in Court, especially the order dated 15th February 2018, it would transpire that the petitioner's basic salary was treated to be Rs.1,275/- as on 1st April 1996 which is in stark contrast to the service book prepared by the municipality. It is apparent that in the instant case the actual benefits that are payable to the petitioner and are reflected in the service book, have not been disbursed to the petitioner. Accordingly, I direct the municipality to recompute the salary of the petitioner in terms of ROPA 1996, as computed by the municipality, as is reflected from the report of the respondent no. 3 and the service book.

10. All admissible allowance must be disbursed in favour of the petitioner by treating the petitioner's salary as stage fit at the rate of Rs.4000/- as on 1st April 1996 in terms of the notings made in the service book.
11. In the light of the aforesaid, nothing remains to be decided in the aforesaid writ petition. The entire recomputation of the petitioner's pay shall be made within a period of 8 weeks from the date of communication of this order and the differential amount shall be disbursed to the petitioner within a period of 2 weeks thereafter by passing a reasoned order along with a chart showing necessary computations.
12. Accordingly, all consequential revision of other benefits including pension shall be made and the differential amount of

the benefits, to the extent he is entitled to, shall also be disbursed within the period as indicated above.

13. With the above observations and directions, the writ petition is accordingly disposed of without any order as to costs.

14. All parties shall act on the basis of the server copy of the order duly downloaded from this Court's official website.

(Raja Basu Chowdhury, J.)

**Saswata
A.R. (Court)**