

S/L 3
24.06.2026
Court No.18
SD

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 17717 of 2012

CAN 1 of 2025

Sri Subimal Sarkar

Vs.

United Bank of India & Ors.

Mrs. Usha Maiti

Mr. Sakya Maity

...for the Petitioner.

Mr. Baidurya Ghosal (VC)

...for the Bank.

1. The petitioner challenges the decision taken by the Senior Manager (P&A), Bangiya Gramin Vikash Bank on January 27, 2012 in compliance of the direction passed by the Hon'ble Division Bench of this Court in APO 246 of 2010 arising from Writ Petition No. 4971 of 2008. The petitioner was impleaded as petitioner no.2 in Writ Petition No. 4971 of 2008.

2. The petitioner along with twelve others approached the learned Court claiming parity with the other original Branch Managers of the Banks concerned. The learned Single Judge was not convinced with the submission made by the petitioners and dismissed the writ petition.

3. Challenging the same, the petitioners therein filed appeal being APO 246 of 2010. The appeal was taken up for consideration by the Hon'ble Division Bench on April 6, 2011 and disposed of by modifying the judgment and order passed by the learned Single Judge. The Hon'ble Division Bench directed the Bank

to examine whether additional increment can be granted to the writ petitioners, as it has been given to the erstwhile Branch Managers on the principle followed in the resolution dated September 15, 1982.

4. The Court took note of the fact that the increment was allowed only to make good the loss suffered by the Branch Managers due to restructure in the pay scale following merger. Eight weeks' time was granted by the Hon'ble Division Bench for reviewing and reconsidering the matter.

5. By the impugned communication, the Senior Manager intimated the petitioner no.1 in the said writ petition i.e. Madhab Chandra Dhar that the issue was re-examined by the bank and it was found that no such Field Officer faced the same situation as erstwhile Branch Managers did. No pecuniary loss has been caused to any of the petitioners. The Bank concluded that no modification/rectification in fixation of pay since June 1, 1980 was admissible to any of the petitioners in the said writ petition.

6. The said Madhab Chandra Dhar was directed to communicate this order to all other petitioners of the said writ petition.

7. Learned advocate representing the petitioner submits that there has been disparity in pay fixation for which the petitioner seeks benefit.

8. Learned advocate representing the Bank raises an objection with regard to the maintainability of the writ petition at the instance of the writ petitioner. It has been submitted that the impugned order has been passed in respect of Madhab Chandra Dhar and not in respect of the present petitioner. In the absence of any order in respect of the petitioner, no relief ought to be granted in his favour.

9. The Court does not accept such submission of the bank. The impugned communication specifically discloses the writ petition number and the appeal number where the present petitioner was a party.

10. The Senior Manager of the bank, in the impugned communication, specifically mentioned that this order was made in respect of the petitioner no.1 of the earlier writ petition, i.e., Madhab Chandra Dhar and the same is applicable to all the other petitioners. The Senior Manager also requested the said Madhab Chandra Dhar to communicate the impugned communication to all other petitioners.

11. From the statements made in the impugned order, the Court is convinced that the order passed in respect of Madhab Chandra Dhar is meant for all the petitioners in the earlier writ petition including the present petitioner.

12. It is the specific submission of the bank that the petitioner is not similarly placed with the erstwhile

Managers who faced pecuniary loss because of the merger.

13. The submission of the petitioner cannot be substantiated by any supporting fact or document. There is no proof placed before this Court from where it can be ascertained that there has been any disparity in the pay as alleged by the petitioner. In the absence of any evidence that additional increment has been paid to similarly circumstanced persons, the Court is unable to interfere with the impugned order.

14. Learned advocate representing the petitioner seeks leave to file further application agitating the grievance of the petitioner.

15. Such prayer of the petitioner cannot be accepted in view of the fact that the merger in question from which the restructuring of pay scale was required to be made took place in the year 2011. The petitioner has retired from service long back. He was serving as the Field Officer and did not suffer any pecuniary loss because of the merger.

16. As the Court is not convinced with the submission and prayer made by the petitioner, the Court refrains from exercising jurisdiction in the matter.

17. The writ petition fails and is hereby dismissed. The connected application also stands dismissed.

18. Parties to act on the basis of the server copy of this order duly downloaded from the official *website* of this Court.

19. Certified copy of this order, if applied for, shall be made available to the parties.

(Amrita Sinha, J.)