

13.05.2026
Court No. 12
ML 131
May 2026
Sandip

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE

M.A.T. 1634 of 2025
IA No : CAN 1 of 2025
In
W.P.A. 24774 of 2024

Tripurary Banerjee
-Versus-

The State of West Bengal & Ors.

Md. Salahuddin,
Md. Raziuddin

.....for the appellant

- 1) Affidavit-of-service filed on behalf of the appellant is taken on record.
- 2) Despite service, none appears on behalf of the respondents.
- 3) The appeal has been filed challenging an order dated September 04, 2025 passed in W.P.A. 24774 of 2024. By the order impugned, the learned single Judge dismissed the writ petition for the following reasons :
 - (a) On perusal of Rule 55D of the West Bengal Panchayat (Gram Panchayat Administration) Rules, 2004 and Rule 85H of the West Bengal Panchayat (Panchayat Samiti Administration) Rules, 2008, it was clear that the duties of the Sahayaks were quite distinct and different from the duties of Accounts clerk.
 - (b) Accordingly, the argument of the Sahayaks who claimed equal pay with the Accounts clerk on the ground that their nature of duties were similar was devoid of merit.

(c) The doctrine of equal pay for equal work could not be applied in this case, inasmuch as, the appellants could not demonstrate before the Court that they were either in the same cadre as Accounts clerk or others and that they had been discharging similar functions, akin to those of Accounts clerk or others.

(d) There was no clarity in the writ petition as to the claim of pay parity with any particular cadre of the Panchayati Raj Institutions.

(e) The appellants claimed pay parity based on the provisions of Article 14 of the Constitution of India, but pay parity could be permitted by courts only when everything else remained constant and same between the cadres.

(f) The Constitution permitted reasonable classification, and as such, in the event any distinction or distinguishing factors existed in the job description, nature of duties, hours of duties, responsibilities between cadres, pay parity could not be claimed as a matter of right. The relevant portions of His Lordship's order are quoted below :-

10. During the course of hearing, learned Senior Advocate appearing for the petitioners tries to impress upon that the duties of Sahayak under Rule 55D of Rules of 2004 and duties of Accounts Clerk under Rule 85H of Rules of 2008 are same and identical and, therefore, the principles of 'equal pay for equal works' applies in the case of the petitioners.

11. In order to appreciate the aforesaid argument, it would be profitable to

reproduce both the Rules namely Rule 55D of the West Bengal Panchayat (Gram Panchayat Administration) Rules, 2004 and Rule 85H of the West Bengal Panchayat (Panchayat Samiti Administration) Rules, 2008 as hereunder.

“55D. Duties of the Sahayak of the Gram Panchayat.-Notwithstanding anything contained in any other rules, orders or notifications, the Sahayak shall, subject to the direction and control of the Gram Panchayat and the Pradhan, perform the following duties:

- (a) assist the Executive Assistant in matters of financial administration if and when required,
- (b) assist the Secretary to facilitate the proper maintenance of accounts and records, including vouchers of financial transactions made in and by the Gram Panchayat and encashment of the cheque,
- (c) assist the Secretary in recording the resolutions of the meeting held in the Gram Panchayat, Gram Sabha and Gram Sansad,
- (d) any other duty as may be assigned by the Pradhan or the Upa-Pradhan, or the State Government, from time to time.”

“H. Accounts Clerk.-(1) Subject to the general control of the Artha Sanstha Unnayan O Parikalpana Sthayee Samiti and the control and directions of the Executive Officer, the Accounts Clerk shall work under the functional control of the Joint Executive Officer and shall be responsible through them to the Panchayat Samiti for his work.

(2) Subject to the provisions under sub-rule (1), he shall-

- (a) prepare the pay bills for the employees of the Panchayat Samiti, remuneration bills for the sabhapati and the Sahakari Sabhapati of the Panchayat Samiti, honorarium bills for the Karmadhyakshas of the Panchayat Samiti and fixed TA bills for the members of the Panchayat Samiti;

(b) prepare bills relating to Grant-in-aid of Panchayat Samiti and place such bills to the Executive Officer or the Joint Executive Officer, as the case may be;
(c) assist the Cashier-cum-Store Keeper in operation and use of IFMS software as and when required;
(d) maintain such registers as may be directed by the Executive Officer or the Joint Executive Officer in terms of the West Bengal Panchayat (Zilla Parishad and Panchayat Samiti) Accounts and Financial Rules, 2003;
(e) assist the Cashier-cum-Store keeper as and when required;
(f) perform any other function or duty as may be assigned to him by the Executive Officer or by the Sabhapati through the Executive Officer or by the Panchayat Samiti or by the State Government, by order.”

12. Upon bare reading of the aforesaid Rules, it manifest that the duties of ‘Sahayak’ is quite distinct and different from duties of Accounts Clerk. Accordingly, the argument pressed into service on behalf of the petitioner as above does not hold good.

4) Mr. Salauddin, learned advocate for the appellants submits that Sahayaks actually have more duties than any other cadre. Reference is made to paragraph 3 to 5 of the writ petition in support of such contention.

5) We find from paragraph 3 of the writ petition that, the specific averments of the appellants were that, the requisite qualification for recruitment to different posts in the Gram Panchayat, Zila Parisad and Panchayat Samiti were “more or less same”. The Government could not have prescribed different pay scale and grade pay in respect of those posts as the requisite qualification for recruitment was also more or less same.

6) Secondly, it was contended that, the mode of recruitment was the same. Hence, on these averments, pay parity on the doctrine of equal pay for equal work was claimed by filing the writ petition.

7) We are unable to accept Mr. Salauddin's contention, inasmuch as, only because the eligibility criteria for recruitment to the different posts under the Panchayati Raj Institutions were the same, that would not by itself, entitle the Sahayaks to claim pay parity with the other posts under the Panchayat Raj Institutions. Each of the posts had separate designation. The nature of work, responsibilities and the duties delineated by two separate set of rules, make a reasonable distinction.

8) Moreover, the writ petition does not in any way clarify how the Sahayaks were being discriminated upon from other cadres.

9) Mere contention that they were on the same footing as they were all working under the three tier system of the Panchayti Raj Institutions, cannot be a ground to claim equal pay with any of the cadres mentioned in paragraph 3 of the writ petition. The discrimination has to be demonstrated with proper facts and figures. It has to be established that the classification amongst the posts were arbitrary and discriminatory and the pay fixation of the Sahayaks were contrary to Article 14 of the Constitution of India read with the Directive Principles of State Policy. Under such circumstances, the order impugned does not call for any interference. His Lordship has considered the basic principles of law as

also the issues raised by the appellants, but found their contentions to be lacking in material particulars.

10) Accordingly, the appeal and the connected application are disposed of.

11) Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings. The order impugned is set aside.

(Shampa Sarkar, J.)

(Ajay Kumar Gupta, J.)