

11.02.2026
Item No.05.
Ct. No.15
Suman

WPA 26665 of 2024

Ramgopal Mukherjee
-Vs-
The State of West Bengal and Ors.

Mr. T. K. Bhattacharya
Mr. A. K. Paul
Mrs. Tithi Paul
Ms. Shilpi Paul
..for the petitioner

Mr. Pradyot Kumar Das
..for the State

By filing the present writ petition, the petitioner seeks a direction upon the respondents to release and disburse the incremental benefit at the rate of 3 per cent of the petitioner's monthly salary with effect from 2020.

The factual background leading to the filing of this writ petition has been recorded in the order dated February 9, 2024, passed by the Additional Executive Officer, Purulia Zilla Parishad, which appears at Annexure P-9 to this writ petition.

The order dated February 9, 2024, is reproduced below:

"1. The petitioner had been working as a Daily Rated Worker at the camp office of Addl. Executive Officer, Purulia Zilla Parishad. Consequent to superannuation of orderly peon, Sri Mukherjee had been ordered to work on daily rate basis as orderly peon of Addl. Executive Officer vide file order of Addl. Executive Officer dated 30.04.2003.

2. Sri Ramgopal Mukherjee had been extended the financial benefit i.e.

Pay of Rs.6,600/- and other benefits prescribed in Memorandum No.2966-F(P) Dated:23.04.2010 and Memorandum No.11794-F(P) Dated 22.12.2010 vide this office order No.1452/6/PZP Dated:19.01.2011 and matter was communicated to department vide this office order No.149/6/PZP dated:26.05.2011.

3. In terms of Memorandum No.4011-F(P) dated 20.05.2013 remuneration of casual /daily rated workers/contractual workers who have got the benefits of Memorandum No.9008-F(P) dated:16-09.2011 have been enhanced. Pay of Sri Ramgopal Mukherjee enhanced to Rs.8,500/- w e f 01-01-2014 vide file order of Savadhipati dated 02.01.2014.
4. In terms of Memorandum No.1107-F(P) Dated:25-02-2016 remuneration of casual/daily rated workers/contractual workers who have got the benefits of Memorandum No.9008-F(P) Dated: 16-09-2011 have been further enhanced. Pay of Sri Ramgopal Mukherjee enhanced to Rs.17,000/- p m w.e.f.01.03.2016 vide file order of Addl. Executive Officer dated 17-05-2017.
5. Pay of Sri Ramgopal Mukherjee further enhanced to Rs.20,000/- p m w.e.f.28.03.2016 on completion of 20 years service vide Memorandum No.1107-F(P) Dated 25-02-2016 and file approval of Exe. Officer dated 08.12.2018.
6. In terms of Memorandum No.1033-F(P2) Dated 08.02.2019 remuneration of casual /daily rated workers/contractual workers who have got the benefits of Memorandum No.9008-F(P) Dated: 16-09-2011 have been enhanced further. Pay of Sri Ramgopal Mukherjee enhanced to Rs.22,000/- p m w.e.f. 01-02-2019 vide file order of Addl. Executive Officer dated 28-08-2019.
7. In the year 2021, vide this office Memo No.587/PZP Dated: 09-06-

2021 approval and fund sanction had been sought from the administrative department.

8. Again in the year 2021, vide this Memo No.960/PZP Dated: 26-08-2021 clarification on had been sought from the administrative department regarding disparity in remuneration in comparison with similar category staffs. Moreover, in view of disparity of pay annual increment has been stopped from 01-07-2020 and this fact has been communicated to the department.
9. In reply to this office Memo No.587/PZP Dated:09-06-2021 the administrative department vide No.4555-PN/O/III/2A-36/2021 Dated 14-09-2021 wanted to know whether the concerned staff has been allowed the financial benefits in terms of Memorandum No.9008-F(P) Dated:16-09-2011 with due approval of the department. It is further clarified that "if not the benefits of Memorandum No.4011-F(P) Dated: 20-05-2013, Memorandum No.1107-F(P) Dated: 25-02-2016 and Memorandum No.1033-F(P) Dated: 08-02-2019 are not applicable to the casual workers"
10. In reply to department's observation this office vides memo No.80/PZP Dated: 19-01-2022 communicated that approval of the administrative department has neither been sought nor received by Purulia Zilla Parishad.
11. In reply to this office memo No.80/PZP Dated:19-01-2022, the administrative department clarified further, vide No.1317-PN/O/III/2A-36/2021 Dated: 04-03-2022, that the benefits of Memorandum No.4011-F(P) Dated: 20-05-2013, Memorandum No.1107-F(P) Dated 25-02-2016 and Memorandum No.1033-F(P) Dated: 08-02-2019 are not applicable if they are not allowed financial benefits under Memorandum No.9008-F(P) Dated 16-09-2011

with due approval of this department.

*It is worth mentioning that inadvertently no approval has been obtained from the administrative department in terms of Memorandum No.9008-F(P) Dated: 16-09-2011. **Now information are being furnished in prescribed proforma statement to the Administrative Department for approval so that stopped increment may be regularised to the incumbent accordingly.***

In the above context, I would like to request you to consider the case of Sri Ramgopal Mukherjee by giving Administrative Approval in favour of him.”

In my considered view, in the aforesaid factual context, there was no justification for the respondents to deny the financial benefits contemplated under Memorandum No. 9008-F(P) dated September 16, 2011. It is an admitted position that the department has already extended the benefits of all prior circulars, including Memorandum No. 2966-F(P) dated April 23, 2010; Memorandum No. 11794-F(P) dated December 22, 2010; Memorandum No. 4011-F(P) dated May 20, 2013; Memorandum No. 1107-F(P) dated February 25, 2016; and Memorandum No. 1033-F(P2) dated February 8, 2019.

At this stage, seeking approval in terms of Memorandum No. 9008-F(P) dated September 16, 2011 would be a futile formality, particularly when there is no other subsisting dispute regarding the

petitioner's entitlement under the said Memorandum.

In view of the foregoing, the writ petition stands allowed.

The respondents are directed to extend to the petitioner the financial benefits conferred under Memorandum No. 9008-F(P) dated September 16, 2011 within a period of one month from the date of communication of this order. Any arrears payable to the petitioner in terms of the aforesaid circular shall also be disbursed within a period of three months from the date of communication of this order.

Accordingly, **WPA 26665 of 2024** stands disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties.

(Kausik Chanda, J.)