

WPA 29529 of 2024

Sangita Ghosh (Saha)
Vs.
The State of West Bengal & Ors.

Mr. Arunava Banerjee
Ms. Simantika Dasgupta
Ms. Ritika Mandal
.... for the petitioner

Mr. Swapan Kumar Datta, Id. G.P.
Mr. Dipankar Das Gupta
.... for the State

1. Exception in the form of affidavit filed by the petitioner to the report of the respondent No.3 is kept on record.
2. The petitioner is aggrieved that she had not been given the enhanced pay even after rendering the mandatory ten years of service since 2007. The petitioner has been paid a sum of Rs.9,000/- per month from 2017 whereas, according to the petitioner, she ought to have been paid Rs.11,000/-, having completed ten years of service since her appointment in 2007.
3. The report filed by the respondent No.3 is kept on record. The report is not contrary to the stand taken by the petitioner, though, it does set forth an error committed inadvertently of making payment of a sum of Rs.9,000/- from 2010-12.

4. According to the State respondents, in terms of the Rules 1987, for the aforesated period (2010-12), the petitioner ought to have been paid a sum of Rs.7,000/-.
5. The second issue raised by the petitioner is that upon completion of fifteen years of service, sometime in 2023, the petitioner is entitled to a sum which is an enhanced remuneration of Rs.13,750/- in terms of the Government Order bearing Memo.No.I/538116/2024 dated July 22, 2024.
6. The report filed by the respondent No.3 has also categorically stated in paragraph '13' that the petitioner is indeed entitled to Rs.13,750/- from May 1, 2023 in terms of the order of 2024.
7. Taking into account, the inadvertent excess payment made by the State respondents, the respondent No.2 is directed to appropriate the excess payment of Rs.2,000/- per month made to the petitioner between the period 2010-12 towards the reduced payment between the period 2017-22. Upon such appropriation, as it appears, that the period of two years of excess payment will cover the lesser remuneration between 2017-19. Thus, for the balance period between 2019-23 (April 30, 2023), the respondent No.2 will disburse the sum of Rs.2000/- per month after

appropriating the excess amount inadvertently paid by it. She is entitled to receive remuneration at the enhanced rate of Rs.13,750/- per month from May 1, 2023 till December, 2025. Thus, she will be entitled to get the arrear remuneration from May 1, 2023 till December 2025. From May 1, 2023 till December, 2025, the balance sum of Rs.4750/- per month (as she has been paid Rs.9,000/- per month) will be paid to the petitioner by the respondent no.2 by February 15, 2026.

8. From January 2026, petitioner shall be entitled to receive the remuneration as per the enhanced rate.
9. With the aforestated directions, the writ petition is disposed of.
10. There shall, however, be no order as to costs.
11. Since no affidavit has been called for, the allegations contained in the writ petition are deemed to be denied.
12. Urgent photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Reetobroto Kumar Mitra, J.)