

March 23, 2026
(15) ARDR

WPA 29660 of 2025

Gobinda Kumar Roy & ors.
Vs.
The State of West Bengal & ors.

Adv. Sk. Imtiaz Uddin,
Adv. Susovan Sengupta (VC),
Adv. Subir Pal,
...for the petitioners.
...for the State.

On prayer of the petitioners, liberty is granted to correct the prayer portion of the application.

Affidavit of service filed by the petitioners is taken on record.

Learned counsel for the petitioners submits that the petitioners are employees under the control of the District Panchayat and Rural Development Officer, Purba Burdwan Zilla Parishad and were granted promotion from time to time. The promotional benefit was granted to the petitioners from 1st April, 2017 to 31st December, 2019 when vacancies were created. In the meantime ROPA 2019 came into operation with effect from 1st January, 2020 and the promotional orders issued during the period 2021 and 2022 were given retrospective effect from 2017, fixing the petitioners' pay under ROPA 2019. After such pay fixation, the petitioners were allowed to draw the said benefit till their superannuation. On their superannuation, it was alleged that they had overdrawn the benefit which was deducted from their retiral dues. The petitioners submitted

representations before the concerned authority ventilating their grievance which are yet to be considered.

Learned counsel for the petitioners has placed reliance on the authority in the State of Punjab & ors. vs. Rafiq Masih (white washer) & ors. reported in (2015) 4 SCC 334 wherein the Hon'ble Supreme Court has held that such recovery is impermissible in the event of certain eventualities.

Learned counsel for the State submits that the representations submitted by the petitioners be considered in accordance with law.

Upon consideration of the submission made on behalf of the parties, this Court directs the District Panchayat and Rural Development Officer, Purba Burdwan, being the 4th respondent herein, to consider and dispose of the representations submitted by the petitioners within six weeks from the date of communication of this order upon granting reasonable opportunity of hearing to all concerned including the petitioners or their authorised representative, in accordance with law.

In dealing with the representations, the concerned authority shall consider the law laid down by the Hon'ble Supreme Court in the authority in Rafiq Masih (supra) as well as the other laws governing the field.

The decision taken by the authority shall be communicated to the petitioners within a week thereof.

In the event the concerned authority arrives at a decision in favour of the petitioners, necessary consequential steps shall be taken at the earliest.

It is made clear that this Court has not gone into the merits of the case and the concerned authority shall deal with the representations independently in accordance with law without being influenced by any observation which may have been made in this order.

The writ petition is accordingly disposed of.

There shall however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to have been admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)