19.02.2026
Item No.03
Court No.11
KCP

FMA 213 of 2026
with
IA No. CAN 1 of 2026

Sajal Kumar Maity
- Versus -
The State of West Bengal & Ors.

Mr. Md. Manuwar Ali
Ms. Nandita Kundu
...for the appellant

Mr. K. M. Hossain
Mr. Rajsekhar Basu
...for the State respondents

The present appeal has been preferred challenging an order dated 13th January, 2026 passed by the learned single Judge in a writ petition being, WPA 12046 of 2025.

Records reveal that challenging the denial of extension of three incremental benefits on his scale of pay, the appellant preferred a writ petition being WPA 16622 of 2024. The said writ petition was disposed of by an order dated 27th March, 2025 and pursuant to the said order the respondent no.3 passed an order dated 7th May, 2025 rejecting the appellant's claim. Aggrieved thereby, the appellant again preferred a writ petition being, WPA 12046 of 2025 which was dismissed by an order dated 13th May, 2026. Aggrieved by the said order, the present appeal has been preferred. In the midst thereof, the appellant

retired on 31st March, 2023 and thereafter his Pension Payment Order (in short, PPO) was issued *vide* memo dated 1st May, 2024.

Mr. Ali, learned advocate appearing for the appellant submits that having regularized the entire period of service rendered by the appellant, the pensionary benefits were disbursed by the PPO dated 1st May, 2024 but his pay scale was not appropriately revised and upgraded upon grant of three incremental benefits.

Such contention has, however, been disputed by Mr. Hossain, learned advocate appearing for the State and Mr. Jana, learned advocate appearing for the school authorities. It is their contention that the appellant accepted the stoppage of the incremental benefits upon due incorporation of his signature in the service book.

A perusal of the service book, as annexed to the stay application, reveals that the appellant was granted three incremental benefits on notional basis but the appellant alleges that even after such grant of the incremental benefits on notional basis, his pay scale was not appropriately upgraded at the time of his retirement.

In view thereof, the respondent no.3 is directed to file a report in the form of an affidavit stating as follows:

i. Whether the appellant has already been granted the three incremental benefits on notional basis?

ii. Whether the appellant's scale of pay was revised and upgraded in the appropriate scale upon grant of such notional benefit?

iii. Whether the PPO was issued upon such revision and upgradation of the scale of pay?

iv. Why the incremental benefits have been granted only on notional basis when the appellant's period of absence has been regularized by the school authorities?

Let such affidavit be filed before this Court by 16th March, 2026. A copy of the said affidavit shall be handed over to Mr. Ali within a week thereafter.

List the matter for further consideration under the heading 'To be Mentioned' in the daily supplementary list of this Court on 24th March, 2026.

(Partha Sarathi Chatterjee, J.) **(Tapabrata Chakraborty, J.)**