

07.05.2025

**Ct. no.2
Sl. 09
b.r.**

WPA 5177 of 2025

Uday Sankar Das

Vs.

The State of West Bengal & Ors.

Mr. Arup Kumar Lahiri

.... For the petitioner.

Mr. Debjit Mukherjee

Ms. Susmita Chatterjee

.... For the Resp. no.2

Mr. Suman Basu

.... For the Resp. nos. 4 and 5.

Affidavit of service filed in Court today, is taken on record.

Mr. Arup Kumar Lahiri, learned counsel appears for the petitioner.

Mr. Debjit Mukherjee, leaned counsel appears for the District Judiciary.

Mr. Suman Basu, learned advocate appears for the respondent nos. 4 and 5.

None appears for the State.

The petitioner is retired employee of the concerned District Judiciary. By claiming parity of payment with his junior colleagues, the petitioner filed a writ petition being **WPA 8997 of 2016**. By judgement dated **November 20, 2023, annexure p-2 at page-25** to the writ petition liberty was granted

to the petitioner to submit a comprehensive claim before the concerned District Judge for his consideration. The concerned District Judge then allowed the claim of the petitioner.

When the pension was sought to be processed, the respondent nos. 4 and 5 by its communication dated **January 30, 2025, annexure p-4 at page-142** to the writ petition inform the District Judiciary that in view of a Government Memorandum dated **January 21, 1983**, the said pension sanctioning authority requires a prior approval from the Finance Department of the State.

At this juncture, the instant writ petition has been filed challenging the said communication of the respondent nos. 4 and 5 dated **January 30, 2025**.

Mr. Debjit Mukherjee, learned counsel places two communications, both dated **April 5, 2025** wherefrom it appears that the necessary intimation was made to the Finance Secretary and also the Secretary, Judicial Department, copies of the two communications are taken on record.

Mr. Suman Basu, learned advocate appearing for respondent nos. 4 and 5 submits the moment they will receive the necessary approval from the Finance Department in terms of the said Government Memorandum dated **January 21, 1983**

they shall take the necessary steps for re-fixation of pay scale.

After considering the submissions made on behalf of the parties, it appears that an assistance is required from the State.

Accordingly, Mr. Pantu Deb Roy, learned Additional Government Pleader and Mr. Subrata Guha Biswas, learned advocate, who appeared in the previous writ petition for the State are requested to appear in the matter, hold the brief to assist this Court hence forth. Their appearance shall be regularized by the Office of the Legal Remembrancer forthwith so that they can represent the State.

The petitioner shall serve a copy of this writ petition along with a copy of today's order upon Mr. Pantu Deb Roy, learned Additional Government Pleader to enable him to take necessary instructions in the matter.

Learned advocate appearing for the District Judiciary shall provide copies of the said two communications dated **April 5, 2025** to Mr. Pantu Deb Roy, learned Additional Government Pleader. Similarly, learned advocate appearing for the respondent nos. 4 and 5 shall also provide a copy of the said Memorandum dated **January 21, 1983** to Mr. Pantu Deb Roy, learned Additional Government Pleader.

The writ petition shall appear under the heading **“Motion (Top)” on May 19, 2025.**

Pendency of this writ petition shall not preclude the appropriate State authority to make communication with the respondent nos. 4 and 5 so that steps can be taken expeditiously for revising the pay scale of the petitioner immediately.

(Aniruddha Roy, J.)