

16.09.2025
Ct. No. 2
Daily List Sl. No. 5
Moumita

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

WPA 5177 of 2025

Uday Sankar Das
Vs.
State of West Bengal & Ors.

Mr. Arup Kumar Lahiri
Mr. Debojyoti De

....For the Petitioner

Mr. Suman Basu

....For the Respondent no. 4 and 5

Mr. Pantu Deb Roy, AGP
Mr. Subrata Guha Biswas

....For the State

Mr. Debjit Mukherjee
Ms. Susmita Chatterjee

....Respondent no. 2/District Judge

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

The last order dated **August 19, 2025** speaks for
itself.

Today Mr. Pantu Deb Roy, learned Additional
Government Pleader with Mr. Subrata Guha Biswas,
learned advocate appearing for the state files a report
dated **September 12, 2025** issued under the signature
of the Additional Chief Secretary to the Government of
West Bengal Finance Department, the same is taken on
record. Copy has been handed over to Mr. Arup Kumar
Lahiri learned advocate appearing for the petitioner in
Court today. The petitioner shall file an exception in the

form of affidavit to the said report on or before **November 10, 2025**.

The observation from the said report for convenience is also quoted below:

“After going through relevant documents and available records in this regard, I have come to the following findings:

- 1. The petitioner of the present writ petition was initially appointed as Nigh Guard in pre-revised scale pay of Rs.135-180/- on 13.02.1974 under the then Ld. District Judgeship, 24 Parganas. He was promoted to the post of Process Server with effect from 20.07.1976 in pre-revised scale of pay of Rs.300-685/-. Subsequently, he was superannuated from on 31.07.2012.*
- 2. Whereas, his cited junior Shri Dilip Kumar Pal was directly appointed to the post of Process Server in the same Judgeship on 28.05.1981 and had been drawing higher pay than the petitioner since inception of his service. Afterwards, Shri Pal was awarded CAS benefit and he was superannuated from service on 30.06.2012.*
- 3. Therefore, it is evident that the petitioner was a promote Process Server and his cited junior Shri Pal was appointed to the post of Process Server directly.*
- 4. Shri Pal received the CAS benefit as a fresh recruit in accordance with the prevalent norms. But the same benefit was not available to Shri Das as he was appointed to the post of Process Server by way of promotion. This leads to pay disparity.*

5. *Let it be mentioned here that the promotion of the petitioner to the post of Process Server on 20.07.1976 was irregular as he was promoted prior to his confirmation in the feeder post. Moreover, the petitioner and his cited junior though posted as Process Server in the same judgeship and petitioner was senior than his cited junior but on the basis of their mode of initial recruitment, they are not to be considered to be on the same footing. Hence, according to extant provision of Rule 55(4) of WBSR (Pt-I), stepping up of pay in favour of the petitioner is not permissible.*

In view of the factual matrix stated above, I hold the opinion that the petitioner is not entitled to get the benefit of pay protection. Accordingly, his basic pension has to be fixed. However, if there is any requirement regarding allocation of fund for this purpose, in that case necessary fund will be allocated as per extant norms.”

The writ petition shall appear under the heading

Motion (TOP) on November 20, 2025.

(Aniruddha Roy, J.)