



2026:CHC-AS:560

05.12.2024

Court No.23
DL - 14
(PP)

**In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

WPA 22703 of 2024

**Anindya Purkait & Anr.
versus
The State of West Bengal & Ors.**

Mr. Partha Pratim Roy,
Mr. Samrat Chakraborty
.... for the Petitioners.

Ms. Anusmita Bhattacharya
.... for the State.

Mr. Abdul Hamid
....for the District Judge, South 24-Pgs.

Mr. Rajat Dutta
....for the respondent no.5.

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

The petitioners were appointed in the post of “English Typist-cum-Copyist” under the Judgeship of Burdwan and Hooghly respectively. The petitioner no.1 joined the services under the District Judiciary of Burdwan on 10th September, 2012 while the petitioner no.2 joined under the Judgeship of Hooghly on 16th January, 2009. The petitioners by availing the policy of mutual transfer were respectively transferred from Burdwan and Hooghly to South 24-Parganas on the condition that at the transferred place they shall be placed at the bottom of the gradation list of their cadre.



The petitioners say in 2017 pursuant to publication of a promotion list the petitioners were issued a promotion order bearing no.87-M dated 27th March, 2017. On the promotion being effected, the petitioners started receiving the enhanced scale of pay of the posts to which they were promoted. Subsequently, according to the petitioners, by ignoring the promotion list and order of 2017 a fresh promotion list was published on 4th April, 2024 by which the promotion order dated 27th March, 2017 was partially modified. The petitioner no.1 has been treated to have been promoted on 1st March, 2020 instead of 10th September, 2015 as under the promotion order no.87-M dated 27th March, 2017. Similarly, the petitioner no.2 has been treated to have been promoted on 1st September, 2020 instead of 1st February, 2014 as under the previous promotion order dated 27th March, 2017.

The petitioners also say that the additional amount received by the petitioner no.1 from 10th September, 2015 till 29th February, 2020 and in case of the petitioner no.2 from 1st February, 2014 till 31st August, 2020 is to be recovered from the money payable to the petitioners.

On behalf of the learned District Judge, South 24-Parganas, it is prayed that the matter be adjourned for at least a week to permit the said learned advocate to take instructions from his client.



Considering the facts of the case and upon hearing the parties, I find that the matter should be adjourned to enable the learned advocate representing the District Judge, South 24-Parganas to take necessary instructions. At the same time, unless an interim protection is granted to the petitioners, the money will be realized from the petitioners for the period as aforesaid which may ultimately cause detriment to the petitioners.

Let this matter appear in the combined monthly list of January, 2025.

The recovery of any alleged excess sum said to have been paid to the petitioners between 10th September, 2015 and 29th February, 2020 in case of petitioner no.1 and from 1st February, 2014 to 31st August, 2020 in case of the petitioner no.2 shall remain stayed till 31st January, 2025 or until further orders, whichever is earlier.

(Arindam Mukherjee, J.)