

2nd December, 2025
(D/L No.25)
Ct. No.4
(SKB)

W.P.S.T.216 of 2025

Dipak Kr. Roy and others
Versus
The State of West Bengal and others

Mr. Atindranath Misra
... for the petitioners.

Mr. Tapan Kumar Mukherjee, Id. AGP,
Mr. Pinaki Dhole,
Mr. Somnath Naskar
... for the State.

1. A short submission advanced on behalf of the writ petitioners is that the writ petitioners were threatened with reduction of their pay scale from Scale 14 to Scale 10 on the ground that Scale 14 was wrongly given to them. Since others were allowed to continue with the benefit of Scale 14, the writ petitioners, claiming parity with others, moved before the West Bengal Administrative Tribunal (in short 'Tribunal') by filing an Original Application being O.A. No.334 of 2020.
2. The petitioners took out a miscellaneous application being M.A. No.50 of 2025 wherein they prayed for issuance of a direction upon the authorities not to take any coercive action in terms of memo bearing No.3821 dated

22.11.2023 and Memo No.1572 dated 08.05.2025 in the matter of reduction of pay. The Tribunal considered the petitioners' application and passed the following order:

“The Memo 3821 dated 22.11.2023 was issued by the Director of I.C.D.S. conveying the decision of Pay Scale Level 14 under ROPA-2019 to be given to Assistant Child Development Project Officers who were petitioners in WPST-104 of 2020. By Memo 1572 dated 08.05.2025, the Director of I.C.D.S. issued a Show Cause to the C.D.O.O., Hanskhali, I.C.D.S. Project asking why Arindam Chattopadhyay, Assistant Child Development Project Officer was given Scale No.14 though he was not eligible since he was not one of the petitioners in WPST-104 of 2020. Similar Show Cause issued to other C.D.P.O. asking for explanation why the other applicants as Assistant Child Development Project Officer were given Scale No.14 despite they were not parties in WPST-104 of 2020.

It transpires from the submissions of the learned counsels that the applicants have not been served a copy of this Show Cause notice. The Tribunal is of the view that unless copies of the Show Cause notice is served to the applicants and their replies are furnished, the Tribunal at this stage does not have any role and resist from interfering.

With the above observation it directs the respondent authorities to serve copies of the Show Cause notice to all the applicants. If serve, the applicants are directed to furnish their replies before their concerned C.D.P.Os.”

3. Thereafter, the authorities did not serve any show cause upon the petitioners/applicants and, therefore, it is submitted by the learned counsel for the writ petitioners that when they were again threatened with reduction of their scale, they approached the Tribunal by filing a contempt application bearing number CCP 22 of 2025. In the contempt proceeding, the Tribunal,

instead of enforcing its order passed in MA No.50 of 2025 has, in fact, reviewed the order as is apparent from the order of the Tribunal extracted hereinbelow:

“Therefore, in his view, serving copies of the show cause to the applicants as A.C.D.P.O.s were not necessary and not required under the law. Thus, it cannot be said that the respondent authorities have not complied with the direction of this Tribunal.”

4. The submission of the petitioners' counsel is that the Tribunal could not have reviewed the order passed in the miscellaneous application in a contempt proceeding, which it has apparently shown from a bare reading of the order passed in the CCP 22 of 2025, extracted above.
5. The learned AGP submits that liberty may be given to file an affidavit-in-opposition in this regard.
6. We allow the prayer for filing opposition and the same be done within three weeks from date. However, in the meantime, we are, *prima facie*, satisfied with the submission of the learned counsel for the writ petitioners that the Tribunal while exercising contempt jurisdiction has, in effect, reviewed/modified its order in the MA.
7. The petitioners, in these circumstances, are threatened with pecuniary loss that may arise on account of reduction of their scale from Scale 14

to Scale 10. In view of our *prima facie* satisfaction recorded hereinabove, we consider it appropriate that the writ petitioners' Scale 14 be protected till 18.01.2026 or until further orders, whichever is earlier. We make it clear that no further reduction will be resorted to by the respondents.

8. List this matter under the same heading on **13th January, 2026.**

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)