

IN TH E SU P R E M E COUR T OF INDI A
 CIVI L AP P E L L A T E JUR I S D I C T I O N
 CIVI L AP P E A L NO.2 8 4 1 OF 2 0 0 1

RAN A J I T RAY CHAUDHU R I & ORS. ... AP P E L L A N T S

VE R S U S

STA T E OF W E S T B E N G A L & ORS. ...
 RES POND E N T S

WI T H
 CIVI L AP P E A L NO.2 8 4 2 OF 2 0 0 1

OR D E R

These two appeals arise out of the order dated 1 0 . 0 3 . 2 0 0 0
 passed by the Division Bench of the High Court of Calcutta. The
 common question of law and fact has been raised in these appeals and
 they are being disposed of by this common order.

A considerable time of this Court has been engaged by
 submitting the lengthy arguments on behalf of the appellants. The
 controversy involved in this case is the pay scale of Inspectors,
 Weights and Measures now called Inspectors, Legal Metrology, on the
 basis of West Bengal Government Pay Commission
 Recommendations.

After lengthy arguments the problem to be solved is
 confined to a narrow compass. In the Fourth P ay Commis sion Report,
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 the Commis sion has recommended the upgradation of the P ay Scale
 No.1 0 of Third P ay Commis sion to P ay Scale No.1 2 of Fourth P ay
 Commis sion of the State of West Bengal. Learned senior counsel
 appearing for the appellants contended that if the appellants get P ay
 Scale No.1 2 of the Fourth P ay Commission of West Bengal as
 recommended by the Fourt P ay Commis sion of West Bengal they
 would be satisfied.

Mr. Bha s k a r P. Gupta, learned senior counsel appearing
 for the State of West Bengal on instructions fairly concedes that the
 Govern ment has implemented the recommendation of the Fourth
 P ay Commis sion of West Bengal and same would be made available

to the appellants also. In other words, it is fairly conceded by the learned senior counsel for the State of West Bengal that the Fourth Pay Commission of West Bengal upgrading the pay scales of the appellants from Pay Scale No.10 of Third Pay Commission to Pay Scale No.12 of the Fourth Pay Commission of West Bengal will be made available to the appellants. This is also the stand taken in the affidavit of the respondents. It is specifically stated in paragraph 23 of the affidavit of the Government that the successive Pay Commissions namely 1st, 2nd, 3rd and 4th Pay Commissions based on such material facts have been accepted and implemented the scales of pay for the appellants by the Government over the years. Having taken this stand in the affidavit, Mr. Gupta, learned senior counsel

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fairly submitted that the Government has taken decision to implement the recommendations of the Fourth Pay Commission of the State of West Bengal from Pay Scale No.10 of Third Pay Commission to Pay Scale No.12 of the Fourth Pay Commission of West Bengal from the date it comes into effect.

With regard to the recovery from the appellants this Court while granting leave on 12.04.2001 granted interim stay of recovery of any amount from the appellants consequent upon the judgement of the Division Bench of the High Court. It appears that the enhancement of scale of pay was made available to the appellants pursuant to the judgment of the learned Single Judge. Since, the payment has been made on the basis of enhancement of scale of pay granted to the appellants pursuant to the direction by the Court, are also of the view that in such a situation no recovery should be made from the appellants. In this view of the matter, the interim order granted on 12.04.2001 is made absolute.

The appeals are disposed of in the above terms.

....J.

(H.K. S E M A)

.....J.
(AFT A B ALAM)

N E W D E L H I ,
N O V E M B E R 1 3 , 2 0 0 7 .

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I T E M N O . 1 0 5

C O U R T N O . 5

S E C T I O N X V I

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

C I V I L A P P E A L N O (s) . 2 8 4 1 O F 2 0 0 1

R A N A J I T R A Y C H A U D H U R I & O R S .

A p p e l l a n t (s)

V E R S U S

S T A T E O F W E S T B E N G A L & O R S .

R e s p o n d e n t (s)

(With office report)

W I T H C i v i l A p p e a l N O . 2 8 4 2 o f 2 0 0 1

(With office report)

D a t e : 1 3 / 1 1 / 2 0 0 7 T h e s e A p p e a l s w e r e c a l l e d o n f o r h e a r i n g t o d a y .

C O R A M :

H O N ' B L E M R . J U S T I C E H . K . S E M A

H O N ' B L E M R . J U S T I C E A F T A B A L A M

F o r A p p e l l a n t (s)

D r . R a j e e v D h a w a n , S r . A d v .

M r . K a i l a s h V a s d e v , S r . A d v .

M r . P a r i j a t S i n h a , A d v .

M r . A n i l K u m a r M i s h r a , A d v .

M s . R e s h m i R e a S i n h a , A d v .

M r . S o u m i t r a G h o s e C h a u d h u r i , A d v .

M r . S . C . G h o s h , A d v .

M r . S n e h a s i s h M u k h e r j e e , A d v .

F o r R e s p o n d e n t (s)

M r . B h a s k a r P . G u p t a , S r . a d v .

M r . R a n a M u k h e r j e e , A d v .

M r . S i d d h a r t h G a u t a m , A d v .

M r . G o o d w i l l I n d e e v a r , A d v

M r . A v i j i t B h a t t a c h a r j e e , A d v .

U P O N h e a r i n g c o u n s e l t h e C o u r t m a d e t h e f o l l o w i n g
O R D E R

T h e a p p e a l s a r e d i s p o s e d o f i n t e r m s o f t h e s i g n e d
o r d e r .

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(P A W A N K U M A R)

(N E E R U B A L A V I J)

C O U R T M A S T E R

C O U R T M A S T E R

(s i g n e d o r d e r i s p l a c e d o n t h e f i l e)