

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

IA 7-8 IN

Petition(s)for Special Leave to Appeal(Civil)Nos.15724-15725/2011

(From the judgement and order dated 11/04/2011 in ASTA No.78/2009,AST No.539/2009 of The HIGH COURT OF CALCUTTA)

DIAMOND HARBOUR MUNICIPALITY & ORS.

Petitioner(s)

VERSUS

HAYAGRIB NAIYA & ANR

Respondent(s)

(for directions and office report)

Date: 31/01/2013 These Petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE ANIL R. DAVE
HON'BLE MR. JUSTICE VIKRAMAJIT SEN

For Petitioner(s)

Mr. Ardhendumauli Kumar Prasad, AOR
Mr. Aviral Shukla, Adv.

For Respondent(s)

Mr.Dipak Kumar Jena, AOR
Ms. Minakshi Ghosh Jena, Adv.
Mr. Yatharth, Adv.Mr. Chanchal Kr. Ganguli, Adv.
Mr. Avijit Bhattacharjee, AOR
Ms. Soumi Kundu, Adv.

UPON hearing counsel the Court made the following

O R D E R

These IAs have been filed, inter alia, for a direction upon the petitioner-municipality to pay the salaries of the applicant/respondent as per the revised pay scales, as applicable to other employees of the municipality.

The case of the applicant/respondent is that he was placed under suspension while working as an employee of the municipality, but subsequently, on being challenged, the said order was set aside and the municipality was directed to allow the applicant/respondent to continue to work under it. The grievance of the applicant/respondent is that despite the fact that the suspension order had been quashed and the applicant/respondent is performing his duties, he is being paid only the subsistence allowance, which was being paid to him when he was under suspension.

Despite notice of the IAs having been served on the municipality and despite the fact that the municipality is represented by learned counsel, there are no instructions forthcoming to learned counsel as to why the applicant/respondent is not being paid his full salary. In fact, learned counsel for the petitioner-municipality has also sought discharge on this ground.

In such circumstances, we are of the view that the Chairman

of the municipality should appear before the Court to explain the circumstances in which the respondent/applicant is not being paid his full salary.

Accordingly, let this matter be fixed on 25th February, 2013, when Sri Pannalal Haldar, Chairman of the Municipality, is directed to be personally present in Court.

The Registry is directed to communicate this Order to Sri Pannalal Haldar, who has affirmed the affidavit in support of the Special Leave Petition, within two weeks from date.

Let a copy of this Order be also made available to the learned advocates of the respective parties, for communication to Shri Haldar.

|(Sheetal Dhingra)
|Court Master

| |(Juginder Kaur)
| |Assistant Registrar

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