

(2025) 07 CAL CK 0760
In the Calcutta High Court, Original Side
Case No : WPA No. 12916 Of 2025

Anup Kumar Paria

APPELLANT

Vs

State Of West Bengal & Ors

RESPONDENT

Date of Decision : 02-07-2025

Acts Referred:

Citation : (2025) 07 CAL CK 0760

Hon'ble Judges : Saugata Bhattacharyya, J

Bench : Single Bench

Advocate : Sourav Mitra, Sreyasree Choudhury, Sabnam De Bardhan, Keya Sutradhar

Final Decision : Disposed Of

Judgement

Saugata Bhattacharyya, J

- 1) Affidavit of service filed on behalf of the petitioner is taken on record.
- 2) Petitioner retired on superannuation on 30th November, 2024 and by depositing alleged excess drawn amount received retiral dues including pension on issuance of Pension Payment Order dated 3rd January, 2025. It is submitted by learned advocate representing the petitioner that State respondents wrongly calculated the amount drawn in excess by the petitioner by holding that 3% additional increment for manning the post of Headmaster in upgraded higher secondary school was not payable to the petitioner.
- 3) Learned advocate representing the petitioner has relied upon the judgment of the Hon'ble Division Bench passed on an intra-court appeal being MAT 1002 of 2022 (The State of West Bengal & Anr. Vs. Sri Kali Sadhan Bhattacharjee @ Bhattacharyya & Ors.). He also relied upon a judgment dated 15th January, 2024 passed by a Coordinate Bench on a writ petition being WPA 6217 of 2021 (Subir Kumar Ghosh Vs. The State of West Bengal & Ors.).
- 4) State respondents are represented by learned advocate.

5) Having considered the issue involved in this writ petition, this Court finds that no useful purpose would be subserved in keeping this writ petition pending.

6) Leave is granted to the petitioner to make a representation to the Commissioner of School Education, Government of West Bengal by three weeks from date claiming 3% additional increment and fixation of pension accordingly. If such representation is made within the aforesaid time, the Commissioner of School Education, Government of West Bengal shall decide the claim of the petitioner by passing reasoned order within twelve weeks from date of receipt of such representation. Petitioner shall be granted opportunity of hearing before taking decision. The decision to be taken by the Commissioner of School Education shall be communicated to the petitioner by ten days thereafter. While taking such decision, the Commissioner of School Education shall follow the ratio of Sri Kali Sadhan Bhattacharjee (supra) as decided by the Hon'ble Division Bench vide judgment dated 3rd December, 2024 and the ratio of Subir Kumar Ghosh (supra) as decided by the Coordinate Bench vide judgment dated 15th January, 2024.

7) Writ petition stands disposed of, without any order as to costs.

8) Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.