(2012) 07 CAL CK 0217

Calcutta High Court

Case No: Writ Petition No. 9498 (W) of 2006

Dr. Sreeparna Banerjee		APPELLANT
	Vs	
The State of West Bengal and Others		RESPONDENT

Date of Decision: July 5, 2012

Acts Referred:

- Constitution of India, 1950 - Article 226

Hon'ble Judges: Jayanta Kumar Biswas, J

Bench: Single Bench

Advocate: Debjani Sengupta, for the Appellant;Subrata Talukdar, Naren Ghosh Dastidar, for the State Ms. Nandini Mitra and Mr. Sanjay Saha, for the University, for the Respondent

Judgement

Hon''ble Mr. Justice Jayanta Kumar Biswas

1. The petitioner in this WP under art.226 is alleging that for undisclosed reasons the respondents did not give her the service benefits to which she became entitled from time to time. The Institute in which the petitioner was working as an Assistant Professor on probation was taken over by the University on April 30, 2003.

2. According to the petitioner, the University ought to have (a) treated her as confirmed in the job as Associate Professor in the scale of Rs. 16,400- 450-20,000 from April 30, 2003; (b) given her the pay revision benefit in the corresponding scale from January 01, 2006; and (c) considered her eligible for the post of Professor from April 30, 2006. She is claiming all the benefits.

3. Ms. Mitra appearing for the University has received instructions to submit as follows. The petitioner is entitled (a) to be treated as confirmed in the job as Associate Professor in the appropriate corresponding scale from April 30, 2003; (b) to benefit of revision of pay from January 01, 2006; and (c) to be treated as eligible for the post of Professor from April 30, 2006. The University has decided to give her these benefits with all arrears and

send the requisite proposal to the State Government.

4. Mr. Talukdar appearing for the State has submitted that once the proposal for giving the petitioner the benefits pointed out by the University is sent, the State Government will decide the question of approval without any delay.

5. In view of the above-noted situation, I do not think it is necessary to examine in this WP the petitioner''s entitlement. As to interest and costs, Ms. Sengupta appearing for the petitioner has submitted under instructions that the petitioner having reasons to feel deprived for a long time, does not want a prolonged hearing of the matter for determining the respondents'' liability, if any, to pay interest and costs.

6. For these reasons, I dispose of the WP ordering as follows.

7. Within three weeks the University shall prepare and send to the State Government the requisite proposal giving the petitioner benefits of confirmation in the job as Associate Professor in the appropriate scale from April 30, 2003 and revision of pay from January 01, 2006 and treating her as eligible for the post of Professor from April 30, 2006.

8. The proposal shall contain details of all financial benefits including arrears. Within four weeks from the date the proposal is received, the State Government shall give its decision regarding approval thereof. Benefits according to the decision of the State Government shall be given by the respondents within three weeks from the date of the decision. No costs. Certified xerox.