

HIGH COURT OF SIKKIM  
Record of Proceedings through Video Conferencing

**WP(C) No. 48 of 2018**

UPENDRA NATH DUBEY

PETITIONER

VERSUS

STATE OF SIKKIM AND OTHERS

RESPONDENTS

**Date: 09/12/2020**

**CORAM :**

**HON'BLE MR. JUSTICE BHASKAR RAJ PRADHAN, J.**

For Petitioner : Petitioner in-person.

For Respondents

R1 to R-3 : Mr. Sudesh Joshi, Additional Advocate  
General.

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**I.A. No. 10 of 2020**

(1) This application has been filed by the petitioner, i.e, the applicant herein, relying upon paragraph 29 of the counter-affidavit filed by the respondents. Paragraph 29 of the counter-affidavit is quoted herein below:-

**"29.** It is humbly submitted by the answering respondent that on careful examination of the petitioner's pay structure it was found that fixation of pay on grant of 2<sup>nd</sup> tier from Rs. 6200/- p.m. to Rs. 6700/- p.m. with effect from 22/3/2014 had been missed on the petitioner's 20 (twenty) years of attainment of service which after a tentative calculation done by Accounts Section, Education Department has been found amounting to Rs. 2,87,400/- (Rupees two lakhs eighty seven thousand four hundred). On grant of above the petitioner's last basic pay will be enhanced to Rs.94500/-p.m. 01.07.2017. Copy of calculation sheet is annexed herewith as marked as Annexure R-3."

(2) A reply has been filed to I.A. No. 10 of 2020 by the respondents in which they admit that they had analysed and made re-verification of various entitlements and pay/salary which the petitioner was entitled to under the law and to find out whether

**HIGH COURT OF SIKKIM**  
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correct calculation had been made at the time of paying/making over the salary to the petitioner. According to the respondents, it was only while the respondents made the recalculation that the respondents found out that while the writ petitioner was entitled to a grade pay of Rs.6,700/- per month, due to inadvertence, the respondents continued to apply grade pay of Rs.6,200/- per month. The said respondents further submit that having found out the mistake, the disclosure was made in paragraph 29 quoted above. According to the respondents, the arrear amount of Rs.2,87,400/- has been calculated by the respondents which included all the other consequential benefits which are dependent upon the grade pay amount. The benefits have been calculated and filed by the respondents as Annexure R/1.

(3) According to the learned Additional Advocate General, the respondents have already processed the file for payment of arrears to the petitioner, but it would take some time before it is actually done. For the said purpose, he seeks four weeks' time to do so.

(4) The applicant submits that he may be entitled to other benefits due to the change in the pay scale.

(5) In paragraph 29 of the counter-affidavit filed by the respondents, it is specifically stated that the calculation is tentative.

(6) In view of the same and as agreed by the applicant, the amount tentatively calculated shall be paid to the petitioner within four weeks' from today. This payment, however, will be subject to the final outcome of the writ petition.

(7) Accordingly, I.A. No. 10 of 2020 stands disposed.

HIGH COURT OF SIKKIM  
Record of Proceedings through Video Conferencing

**WP(C) No. 48 of 2018**

List this matter on 11.03.2021, for hearing in I.A. No. 7  
of 2020.

**Judge**

Index : ~~Yes~~ / No  
Internet : Yes / ~~Ne~~

bp