

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

Petitions for Special Leave to Appeal (C) Nos.22628-22630/2022

[Arising out of impugned final judgment and order dated 20-05-2022 in WPST No. 102/2020 22-09-2022 in RVW No. 159/2022 22-09-2022 in CAN No. 1/2022 passed by the High Court at Calcutta]

THE STATE OF WEST BENGAL & ANR.

Petitioner(s)

VERSUS

CONFEDERATION OF STATE GOVERNMENT
EMPLOYEES, WEST BENGAL & ORS.

Respondent(s)

[TO BE TAKEN AT THE TOP OF THE BOARD/ HIGH UP ON THE BOARD.]
(IA No. 182175/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT, IA No. 72663/2025 - INTERVENTION/IMPLEADMENT AND IA No.
67665/2025 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

Date : 16-05-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KAROL
HON'BLE MR. JUSTICE SANDEEP MEHTA

For Petitioner(s) :Dr. Abhishek Manu Singhvi, Sr. Adv.
Mr. Huzefa Ahmadi, Sr. Adv.
Mr. Kunal Vajani, Adv.
Mr. Avishkar Singhvi, Adv.
Mr. Kartikey Bhatt, Adv.
Mr. Tanish Arora, Adv.
Mr. Kunal Mimani, AOR
Mr. Aviroop Mitra, Adv.

For Respondent(s) :Mr. P.S. Patwalia, Sr. Adv.
Ms. Bansuri Swaraj, Sr. Adv.
Mr. Uddyam Mukherjee, AOR
Mr. Siddhesh Kotwal, Adv.
Mr. Guddu Singh, Adv.
Mr. Swapnil Pattanayak, Adv.
Ms. Ana Upadhyay, Adv.
Ms. Manya Hasija, Adv.
Mr. Agnibha Chatterjee, Adv.
Mr. T Illayarasu, Adv.
Ms. Vaidehi Kolhe, Adv.
Ms. Deveshi Chand, Adv.

Ms. Karuna Nundy, Sr. Adv.
Mr. Prabir Chatterjee, Adv.
Mr. Mrigank Prabhakar, AOR
Mr. Siddharth Sahu, Adv.
Mr. Shiv Mehrotra, Adv.
Ms. Rishika Rishabh, Adv.
Mr. Shikhar Misra, Adv.
Mr. Dilip Kumar Chatterjee, Adv.
Mr. Kallol Basu, Adv.
Mr. Suman Banerjee, Adv.
Mr. Ambu Bindu Chatterjee, Adv.
Mr. Rajit Lal Moitra, Adv.
Mr. Sudip Banerjee, Adv.
Mr. Arindam Mukherjee, Adv.
Mr. Gobinda Chandra Halder, Adv.
Ms. Adrija Chatterjee, Adv.
Mr. Sudip Biswas, Adv.

Mr. Bikash Ranjan Bhattacharyya, Sr. Adv.
Mr. Rauf Rahim, Sr. Adv.
Mr. Firdous Samim, Adv.
Mr. Ali Asghar Rahim, Adv.
Ms. Gopa Biswas, Adv.
Mr. Shekhar Kumar, AOR
Ms. Tania Tamanna, Adv.

Mr. Guru Krishna Kumar, Sr. Adv.
Mr. Nachikata Josi, Adv.
Mr. Chandrashekhar A. Chakalabbi, Adv.
Mr. Bikram Banerjee, Adv.
Ms. Sudipta Dasgupta, Adv.
Ms. Somsubhra Ganguly, Adv.
Ms. Debapriya Mitra, Adv.
Ms. Sinjhoni chakraborty, Adv.
Mr. S.k Pandey, Adv.
Mr. Awanish Kumar, Adv.
Mr. Anshul Rai, Adv.
M/S. Dharmaprabhas Law Associates, AOR

UPON hearing the counsel the Court made the following
O R D E R

1. Having heard Dr. Abhishek Manu Singhvi, Mr. Huzefa Ahmadi learned senior counsel appearing for the petitioners and Mr.P.S.Patwalia, learned senior counsel appearing for the respondents, we are of the considered view that the petitioner-State should release at least 25% of the amount due and payable

to all the employees in terms of the impugned judgment dated 20.05.2022 passed by the High Court at Calcutta in WPST No.102/2020 titled "The State of West Bengal & Ors. Vs.Confederation of State Government Employees, West Bengal & Ors." and order dated 22-09-2022 in RVW No. 159/2022 22-09-2022 in CAN No. 1/2022, within a period of six weeks from today.

2. We find the Tribunal and the High Court to have adjudicated the right of the employees to receive Dearness Allowance pursuant to the 5th Pay Commission. The paucity of funds is a ground which stands negated both by the Tribunal and the High Court. Whether or not the right to receive Dearness Allowance is a fundamental right is an issue, amongst others, this Court is called upon to consider. We shall do so. However pending such consideration, we are of the considered view that the employees need not be kept waiting endlessly to receive the money in question.

3. Needless to add, disbursal of such an amount shall be without prejudice to the respective rights and contentions of the parties and subject to the outcome of the instant petition.

4. The parties are permitted to place on record their written submissions on all the issues, within four weeks.

5. List the matter for hearing on 04.08.2025 on top of the Board.

(RAJNI MUKHI)
ASTT. REGISTRAR-cum-PS

(ANU BHALLA)
COURT MASTER (NSH)