

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

**The Hon'ble Justice Ranjit Kumar Bag
& The Hon'ble Dr. Subesh Kumar Das**

Case No – OA 1119 OF 2015

Dr. Manab Chatterjee vs The State of West Bengal & Ors.

Serial No. and Date of order. 1	Order of the Tribunal with signature 2	Office action with date and dated signature of parties when necessary 3
14 10.09.2018	<p>For the Applicant : Md. S. Ahmed, Learned Advocate.</p> <p>For the Respondents : Mrs. S. Agarwal, Learned Advocate.</p> <p>The applicant has prayed for declaration that the right accrued in favour of the applicant in terms of Memorandum dated October 24, 2007 cannot be taken away under Memorandum dated September 13, 2010 and for direction upon the respondents to grant benefit to the applicant in terms of Memorandum dated October 24, 2007 and other ancillary reliefs.</p> <p>The applicant joined as Lecturer in Jnan Chandra Ghosh Polytechnic on January 1, 2001 and was confirmed in the service on January 1, 2004. He was awarded Career Advancement Scheme (in short CAS) benefit in the scale of pay of Rs.10000-325-15200/- w.e.f. January 1, 2005. The contention of the applicant is that the applicant was entitled to get second CAS benefit in terms of Memorandum dated October 24, 2007 (Annexure-B to the original application). The further contention of the applicant is that on July 3, 2010, the Principal of Jnan Chandra Ghosh Polytechnic forwarded the name of the applicant for extending benefits under CAS along with all necessary documents including ACR. It also appears from record that on</p>	

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December 1, 2010, the Principal of Jnan Chandra Ghosh Polytechnic again forwarded the name of the applicant along with necessary documents for extension of benefit under CAS from Lecturer in senior scale (10000-15200/-) to Lecturer in selection grade scale (12000-18300/-) (Annexure-F to the original application). The grievance of the applicant is that the said two forwarding letters of Principal of Jnan Chandra Ghosh Polytechnic have not been considered by the respondent no. 2 till date.

Learned Counsel for the applicant contends that the benefits accrued to the applicant for getting higher scale of pay in terms of Memorandum dated October 24, 2007 has been curtailed by issuance of Memorandum dated September 13, 2010. We do not find any merit in this submission of Learned Counsel on the ground that financial benefits given to the Lecturers of Government and Government Sponsored Polytechnics in West Bengal under Memorandum dated October 24, 2007 have not been curtailed at all or reduced at all under Memorandum dated September 13, 2010. On the contrary, what we find from Memorandum dated September 13, 2010 is that higher financial benefits have been given to the Principals and Lecturers of Government and Government Sponsored Polytechnics in West Bengal under Memorandum dated September 13, 2010 on fulfilment of some conditions than the benefits given under Memorandum dated October 24, 2007.

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Learned Counsel representing the state respondents has relied on the reply submitted by the state respondents and contended that the applicant is not entitled to get higher scale of pay for not completion of two AICTE approved refresher programmes.

Having heard Learned Counsel representing both parties and on consideration of the grievance of the applicant for not granting higher scale of pay either in terms of Memorandum dated October 24, 2007 or in terms of Memorandum dated September 13, 2010, we direct the respondent no. 2, Director, Directorate of Technical Education and Training, West Bengal to consider the entitlement of the applicant to get next higher scale of pay after giving the applicant an opportunity of hearing within a period of 12 (twelve) weeks from the date of communication of the order and communicate the same to the applicant within a period of next two weeks.

With the above direction, the original application stands **disposed of.**

Let a plain copy of this order be supplied to both parties.

(S.K. DAS)
MEMBER(A)

(R. K. BAG)
MEMBER (J)

Sanjib