

**ORDER SHEET**  
**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Present-**

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

**Case No – OA 1167 OF 2014**

**Sagarika Bhattacharyya @ Meherunnesa 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
<p style="text-align: center;">13 <hr/>03.07.2018</p>	<p><b>For the Applicant</b> : Mr. S.N. Ray, Learned Advocate.</p> <p><b>For the Respondents</b> : Mr. S. Ghosh, Learned Advocate.</p> <p><b>For the AG (A&amp;E),WB</b> : Mr. B. Mitra, Departmental Representative.</p> <p>The applicant has prayed for direction upon the respondents to give benefit of Career Advancement Scheme (in short "CAS") on cancellation of Memorandum dated October 7, 2013 issued by the Joint Secretary to the Government of West Bengal, Department of Health &amp; Family Welfare, by which prayer of the applicant for grant of CAS benefit was turned down.</p> <p>The applicant joined as Diet Clerk at NRS Medical College and Hospital on October 16, 1974. The designation of the applicant was changed from "Diet Clerk" to "Diet Sarkar". On the basis of representation submitted by the applicant, the applicant was posted as LDC in the establishment of Chief Medical Officer of Health in the district of Dakshin Dinajpur on August 1, 1980, subject to the condition that the applicant will not claim any seniority in the post of LDC. The admitted position is that the applicant got promotion to the post of UDC and subsequently to the post of Head Clerk and ultimately retired from service on June 30,</p>	

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2014. The applicant submitted application for granting her CAS benefit for satisfactory service of 10 years, 20 years and 25 years. The claim of the applicant was turned down by the impugned order dated October 7, 2013, which is under challenge in the present application.

Mr. Roy, Learned Counsel for the applicant, contends that the applicant is entitled to get benefit of CAS for completion of satisfactory service of 10 years, 20 years and 25 years. On our query, Mr. Roy has failed to place the provision of Rules or Government Orders by which the applicant is entitled to get the benefit of CAS after getting promotion from post of LDC to UDC and thereafter from UDC to Head Clerk. Mr. Ghosh, Learned Counsel representing the state respondents, submits that the applicant was appointed and posted as LDC on condition that she will not claim seniority in the post of LDC by counting her past service.

Having heard Learned Counsel representing both parties and on consideration of the fact that the applicant got promotion in due course from the post of LDC and the fact that the applicant was posted as LDC in the year 1980, subject to the condition that the applicant will not claim seniority in the post of LDC, we are of the view that the applicant is not entitled to get CAS benefit as claimed by her. We do not find any

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illegality in the impugned order dated October 7, 2013. The overdrawal of an amount of Rs.88,175/- was done for giving benefit of CAS to the applicant. Since the applicant got the promotion in due course, the applicant is not entitled to get the benefit of CAS and thereby we do not find any illegality in giving direction for recovery of overdrawal of the amount of money which was paid to the applicant in excess of what was due to her. The applicant must have knowledge about the fact of overdrawal as the said financial benefit was given consequent to benefit of CAS to which the applicant was not entitled.

As a result, the present application is **dismissed**.

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

**( S.K. DAS )**  
MEMBER(A)

**( R. K. BAG )**  
MEMBER (J)

Sanjib