

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

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

Case No – OA 1229 OF 2015

Tapan Kumar Barman 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
13 28.11.2018	<p>For the Applicant : Mr. G.P. Banerjee, Learned Advocate.</p> <p>For the Respondents : Mr. S. N. Ray, Learned Advocate.</p> <p>The applicant has prayed for direction upon the respondents to grant him unrevised pay scale no. 21 after setting aside the reasoned order dated September 9, 2015 passed by Principal Secretary to the Government of West Bengal, Department of Personnel & Administrative Reforms.</p> <p>The applicant is a retired officer of West Bengal Civil Service (Executive). The grievance of the applicant is that he was not granted unrevised scale no. 21 while the officers junior to him were granted unrevised scale no. 21. The applicant ventilated his grievances previously before this Tribunal by filing OA-1367 of 2014, which was disposed of on June 26, 2015. The Tribunal directed the Principal Secretary to the Government of West Bengal, Department of P&AR to furnish copies of ACRs to the applicant, which were taken into consideration for the purpose of refusal to grant unrevised scale no. 21 to the applicant within stipulated period of time. The Tribunal gave liberty to the applicant to submit representation to the Principal</p>	

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Secretary to the Government of West Bengal, P&AR Department within a period of four weeks from the date of communication of grading of ACR. The Tribunal also directed the Principal Secretary, P&AR Department to assess the ratings of ACR of the applicant objectively having regard to his submission in the representation and on the basis of other materials on record and if the applicant is found suitable for grant of unrevised scale no. 21, then he should be granted the said scale with effect from the date the said scale was granted to his immediate junior in the service along with all consequential benefits within stipulated period of time. The reasoned order was passed by the Principal Secretary, P&AR Department by rejecting the claim of the applicant for grant of scale no. 21 on consideration of the representation submitted by him. The said reasoned order dated September 9, 2015 is under challenge in the present original application.

Mr. G.P. Banerjee, Learned Counsel appearing on behalf of the applicant, contends that relevant ACRs of the applicant have not been reassessed by the Principal Secretary, P&AR Department as directed by the Tribunal and as such the reasoned order dated September 9, 2015 is liable to be set aside. On the other hand, Mr. S.N. Ray, Learned Counsel representing the State respondents, contends that the Principal Secretary, P&AR Department has not only reassessed the relevant ACRs, but also gave adequate reasons for not

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accepting the claim made by the applicant for upgradation of ACRs.

Having heard Learned Counsel representing both parties and on consideration of the reasoned order dated September 9, 2015, we find that the Principal Secretary, P&AR Department has objectively reassessed the ACRs from the year 2007-08 to 2011-12 and gave adequate reasons for not accepting the contention of the applicant for upgrading the ACRs of the applicant. The contention made by the applicant in the representation has been considered by the Principal Secretary, P&AR Department very elaborately as reflected from the reasoned order under challenge in the present application. It is relevant to point out one contention of the applicant that he should have been graded as "outstanding" for his posting as Additional District Magistrate at Siliguri for consecutive three years. This contention is considered by the Principal Secretary, P&AR Department by giving reasons that no Government Order is available for grading an officer as outstanding only for his posting as Additional District Magistrate at Siliguri for consecutive three years. The contentions raised in the representation by the applicant for upgradation of ACR were not found to be germane to the issue of upgradation of ACR by the Principal Secretary, P&AR Department. On consideration and close scrutiny of the reasoned order dated September 9, 2015, we cannot persuade ourselves that the said reasoned order is

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Sanjib	<p>arbitrary or illegal or unjustified and as such we are not in a position to interfere in the said reasoned order dated September 9, 2015. As a result, we do not find any merit in the present application and as such the original application is dismissed.</p> <p>Let a plain copy of this order be supplied to both parties.</p> <p>(S.K. DAS) MEMBER(A)</p>	<p>(R. K. BAG) MEMBER (J)</p>
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