

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

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

Case No – OA 13 OF 2016

Arijit Ray & Others 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
12 14.01.2019	<p>For the Applicants : Mr. A.K. Das Sinha, Learned Advocate.</p> <p>For the Respondent : Mr. S.N. Ray, Learned Advocate.</p> <p>The applicants have prayed for setting aside the order dated November 19, 2015 passed by the Principal Secretary to the Government of West Bengal, Department of Panchayat & Rural Development on the ground that the said order has not been passed in terms of direction given by the Tribunal in OA-110 of 2015.</p> <p>The contention of the applicants is that the applicant nos. 1, 2 and 4 have been working as Panchayat Development Officer and the applicant nos. 3 and 5 have been working as Joint Block Development Officer under the Department of Panchayat & Rural Development, Government of West Bengal. The applicants approached this Tribunal by filing OA-12427 of 2007 for enhancement of pay scale and the said OA-12427 of 2007 was disposed of on March 13, 2009 by directing the respondent no. 1 to pass a reasoned order in accordance with law in connection with the prayer of the applicants. The reasoned order passed by the respondent no. 1 was challenged by the applicants by filing OA-76 of 2010. By pointing out glaring infirmity in the reasoned order, this Tribunal had set aside the</p>	

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said reasoned order of the respondent no. 1 by order dated April 22, 2013 passed in OA-76 of 2010. By order dated April 22, 2013 passed in OA-76 of 2010, the respondent no. 1 was again directed to examine the issue afresh after obtaining views of the Finance Department, Government of West Bengal and pass a reasoned order in accordance with law and the direction given by the Tribunal. The reasoned order passed in terms of direction given in OA-76 of 2010 was again challenged by these applicants by filing OA-110 of 2015. On August 7, 2015, the Tribunal again disposed of OA-110 of 2015 by giving direction to the respondent no. 1, Principal Secretary to the Government of West Bengal, Department of Panchayat & Rural Development to comply with the direction given previously by the Tribunal in OA-76 of 2010. The present reasoned order dated November 19, 2015 which is under challenge in the present application, was passed by the respondent no. 1 in terms of the direction given by the Tribunal in OA-110 of 2015 and in OA-76 of 2010.

Mr. Das Sinha, Learned Counsel for the applicants, contends that previously pay scale of the Panchayat Extension Officer (re-designated as Panchayat Development Officer subsequently) was same as that of Revenue Officer under West Bengal Subordinate Land Revenue Service, Grade-I and Sub-Inspector of Schools under West Bengal Subordinate Educational Service. He further submits that the pay scale of Revenue Officer, Grade-I and pay scale of Sub-Inspector of Schools have been increased by granting scale no. 14 (pay

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scale of Rs.5500-11325/-) under ROPA, 1998, whereas the said pay scale no. 14 was not granted to the Panchayat Development Officers to which the applicant nos. 1, 2 and 4 belong. By citing the above analogy Mr. Das Sinha, Learned Counsel for the applicants, submits that the applicants have been discriminated, particularly when the Departmental Secretary submitted a note claiming pay parity before the Department of Finance, Government of West Bengal in the year 1995 i.e. before promulgation of ROPA, 1998. On the other hand, Mr. S.N. Ray, Learned Counsel representing the state respondents, has supported the reasoned order dated November 19, 2015, by which the claim of the applicants was turned down.

With regard to the plea of discrimination of the applicants, we find that the officers working as Sub-Inspector of Schools and the officers working as Revenue Officer, Grade-I, belong to separate service and the duties and responsibilities of those officers are different from the duties and responsibilities of Panchayat Development Officers and as such we are unable to accept the plea of discrimination put forward by the applicants. However, on consideration of the reasoned order passed by the respondent no. 1, Principal Secretary to the Government of West Bengal, Department of Panchayat & Rural Development, we find that the said respondent has turned down the claim of the applicant for granting higher pay scale without furnishing information as required by the Finance Department. Since the Tribunal directed the respondent no. 1 to consider the issue of

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enhancement of pay scale of the applicants as Panchayat Development Officer after obtaining the views of the Finance Department and since the said respondent has turned down the claim of the applicants without obtaining the final views of the Finance Department after furnishing the required information, we are constrained to hold that the reasoned order passed by the respondent no. 1 on November 19, 2015 is not in terms of the direction given by the Tribunal in OA-76 of 2010 and OA-110 of 2015. Accordingly, the said reasoned order dated November 19, 2015 is set aside.

Having due regard to the fact that the grievance of the applicants has not been properly addressed by the state respondents from the year 2007 onwards when the applicants first approached the Tribunal by filing OA-12427 of 2007, we are of the view that the issue of granting higher pay scale to the applicants as Panchayat Development Officer need to be considered by the Finance Department, Government of West Bengal after obtaining necessary information from the Department of Panchayat & Rural Development, if required.

In view of our above observation, the respondent no. 2, Principal Secretary to the Government of West Bengal, Department of Finance is directed to consider whether higher pay scale can be awarded in favour of the applicants as Panchayat Development Officer by passing a reasoned order after obtaining necessary information from the Department of Panchayat & Rural Development, if required within a period of

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Sanjib	<p>16 (sixteen) weeks from the date of communication of the order and take necessary follow up action, if any within a period of 4 (four) weeks thereafter.</p> <p>With the above direction, the original application is disposed of.</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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