

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

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

Case No – OA 1331 OF 2015

Priyajit Adhikari & 55 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
11 26.11.2018	<p>For the Applicants : Mr. S.K. Nandi Learned Advocate.</p> <p>For the Respondents : Mr. S.N. Ray, Learned Advocate.</p> <p>The applicants have prayed for direction upon the respondents for granting them status and pay scale no. 16 under ROPA 1998 and pay band plus grade pay with revised basic pay of Rs.21,000/- under ROPA 2009.</p> <p>Fifty six applicants were appointed to the post of either Assistant Inspector or Assistant Superintendent or Seed Examination Officer or Foreman or Manager (Seed Station) on different dates under Directorate of Textiles (Sericulture), Government of West Bengal. The applicants claim to have acquired Post Graduate Diploma in Sericulture and got appointment in the respective posts in the order of result of Examination held in the Post Graduate Diploma Course. The contention of the applicants is that they are getting pay scale of Rs.4500 – 9700/- under ROPA 1998, whereas Agriculture Development Officer posted at the block level under Department of Agriculture are getting the pay scale of Rs.8000-13500/- under ROPA 1998 and Livestock Development Officer/Veterinary Officer under Department of Animal</p>	

ORDER SHEET

Priyajit Adhikari & 55 Others

Form No.

Vs.

The State of West Bengal & Ors.

Case No. **OA 1331 OF 2015**

Resources Development are also getting pay scale of Rs.8000-13500/- under ROPA 1998. The further contention of the applicants is that they have more educational qualification than the Agriculture Development Officer and Livestock Development Officer/Veterinary Officer, but they have been deprived of the pay scale given to the said officers under the Department of Agriculture and Department of Animal Resources Development.

With the above factual matrix, Mr. Nandi, Learned Counsel for the applicants submits that the applicants have been discriminated by the state respondents by not granting them pay scale which was granted to Agriculture Development Officer under the Department of Agriculture and Livestock Development Officer/Veterinary Officer under the Department of Animal Resources Development, though the applicants have Post Graduate Diploma and the officers of the Department of Agriculture and the Officers of the Department of Animal Resources Development have lesser qualification. By placing on record a copy of the Notification dated December 19, 2016, Mr. Nandi further submits that the Directorate of Sericulture is brought under the Department of Agriculture by Notification issued under Article 166 (3) of the Constitution of India, whereby the rules of business have been changed by the Government of West Bengal and thereby the applicants are entitled to get the benefit of the rules applicable to the officers working under the Department of Agriculture, Government of West Bengal.

ORDER SHEET

Priyajit Adhikari & 55 Others

Form No.

.....

Vs.

The State of West Bengal & Ors.

Case No. **OA 1331 OF 2015**

.....

Mr. S.N. Ray, Learned Counsel representing the state respondents, submits that the duties and responsibilities of the applicants are different from the duties and responsibilities of the officers with whom the applicants have claimed parity in claiming pay scale. He further submits that the conditions of service of the applicants are also different from that of the officers with whom the applicants claimed parity with regard to pay scale. The specific submission of Mr. Roy is that the state respondents have not discriminated as alleged by the applicants, as the duties, responsibilities and conditions of service of the applicants are different from the duties, responsibilities and conditions of service of Agriculture Development Officer under Department of Agriculture and Livestock Development Officer/Veterinary Officer under Department of Animal Resources Development.

Having heard Learned Counsel representing both parties and on consideration of the materials on record, we find that criteria for recruitment of the applicants in different posts under Directorate of Sericulture are different from criteria for recruitment to the post of Agriculture Development Officer under Department of Agriculture and post of Livestock Development Officer/Veterinary Officer under the Department of Animal Resources Development. We do not find that the duties, responsibilities and conditions of service of the applicants are similar to that of the officers holding the post Agriculture Development Officer under Department of Agriculture and

ORDER SHEET

Priyajit Adhikari & 55 Others

Form No.

.....

Vs.

The State of West Bengal & Ors.

.....

Case No. **OA 1331 OF 2015**

Livestock Development Officer/Veterinary Officer under the Department of Animal Resources Development. Since the applicants are not similarly placed with the officers with whom the applicants have claimed parity for grant of pay scale, we are of the view that the applicants have miserably failed to establish that they have been discriminated in grant of pay scale as claimed by the applicants.

In view of our above findings, the applicants are not entitled to get any relief in the present application.

The original application is, thus, **dismissed**.

(S.K. DAS)
MEMBER(A)

(R. K. BAG)
MEMBER (J)

Sanjib