

**ORDER SHEET**

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Present-**

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

**Case No – OA 1476 OF 2013**

Malay Kumar 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
21 07.08.2019	<p>For the Applicant : Mr. H. Ghosh, Learned Advocate.</p> <p>For the Respondent : Mr. S. Ghosh, Learned Advocate.</p> <p>The applicant has prayed for direction upon the respondents for giving the benefit of Career Advancement Scheme (CAS) in terms of Memorandum dated June 21, 1990 issued by the Finance Department, Audit Branch, Government of West Bengal and to grant retiral benefits after giving benefit of CAS.</p> <p>The applicant joined in the post of Director, IWT Directorate, Department of Transport, Government of West Bengal as a direct recruit through PSC, West Bengal on August 23, 1991 in the scale of pay of Rs.5100-150-6300/- (unrevised scale no. 20) which was subsequently revised to scale of pay of Rs.16400-450-20000/- (revised scale no. 20). The contention of the applicant is that he was not given benefit of CAS in terms of Memorandum dated June 21, 1990 and also in terms of Memorandum dated March 13, 2001 issued by the Finance</p>	

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Department, Audit Branch, Government of West Bengal after completion of 10 years of satisfactory service. The applicant retired from service on September 30, 2005. He got the benefit of extra 3 years of qualifying service in terms of Rule 27 of West Bengal Services (Death-cum-Retirement Benefit) Rules, 1971.

Learned Counsel for the applicant contends that the Director of Animal Husbandry, Director of Animal Health, Milk Commissioner and Director of Bureau of Applied Economics and Statistics enjoying revised pay scale no. 20 got the benefit of CAS after completion of 10 years of service, but the applicant has been discriminated by not granting benefit of CAS in terms of Memorandum dated June 21, 1990 issued by the Finance Department, Audit Branch, Government of West Bengal. Per contra, Learned Counsel representing the State respondents submits that the applicant enjoyed unrevised scale no. 20 as Director, IWT Directorate under Department of Transport, Government of West Bengal and the said post is not included for giving benefit of CAS in terms of Memorandum dated June 21, 1990 and as such the applicant is not entitled to get the benefit of CAS.

Having heard Learned Counsel representing both parties and on consideration of the materials on record, we find that the applicant joined in the post of Director of IWT Directorate in the unrevised scale no. 20 directly through PSC, W.B. The

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<p>Memorandum dated June 21, 1990 and subsequent Memorandum dated March 13, 2001 issued by the Finance Department, Government of West Bengal lay down that the Government employees enjoying revised pay scale no. 1 to 16 were allowed to enjoy the next higher scale of pay on completion of 10 years of continuous and satisfactory service on fulfilment of some conditions. The applicant who enjoyed revised scale no. 20 was not included either in the Memorandum dated June 21, 1990 or in the Memorandum dated March 13, 2001 issued by the Finance Department, Government of West Bengal for granting benefit of CAS on completion of satisfactory service of 10 years. The applicant has not specifically challenged either Memorandum dated June 21, 1990 or Memorandum dated March 13, 2001 issued by the Finance Department, Audit Branch, Government of West Bengal as arbitrary and violative of Article 14 of the Constitution of India. On the contrary, the prayer for cancellation of Memorandum dated June 21, 1990 and Memorandum dated March 13, 2001 in prayer (a) and prayer (b) of the original application was not pressed by the Learned Counsel for the applicant on the very first day of moving the original application before the Bench on July 11, 2014 as reflected from the order dated July 11, 2014 passed in this OA 1476 of 2013. Since the applicant has not specifically challenged the Memorandum dated June 21, 1990 and Memorandum dated March 13, 2001 as arbitrary and violative of Article 14 of the Constitution of India, we do not find any merit in</p>	
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the submission made on behalf of the applicant that the applicant has been discriminated with the Director of Animal Husbandry, Director of Animal Health, Director of Bureau of Applied Economics and Statistics by not giving the benefit of the said memorandums for grant of benefit of CAS. Since the applicant is not entitled to get the benefit of CAS in terms of Memorandum dated June 21, 1990 and also in terms of Memorandum dated March 13, 2001, we cannot persuade ourselves to direct the State respondents to consider the representation submitted by the applicant before the Principal Secretary to the Government of West Bengal, Department of Transport, Government of West Bengal on June 4, 2013.

In view of our above observation, the original application is dismissed.

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

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

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

Rajib

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