

**ORDER SHEET**

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Present-**

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

Case No – **OA 418 OF 2016**

**Benoy Kumar Deb** 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;"><b>09</b> <b>04.07.2018</b></p>	<p><b>For the Applicant</b> : None.</p> <p><b>For the Respondents</b> : Mr. S. Bhattacharjee, Departmental Representative.</p> <p>None appears on behalf of the applicant on call. We have heard Mr. Bhattacharjee, the Departmental Representative of the state respondents.</p> <p>The applicant has prayed for re-fixation of pay as per provisions of ROPA 1981 w.e.f. 01.04.1981 instead of 01.05.1983. Since the applicant was absent even on the previous date of hearing, we are inclined to dispose of the application on merit.</p> <p>The applicant was working as Peskar at Bansihari Circle under Land and Land Reforms Department at Harirampur in the district of Uttar Dinajpur. He retired from service on July 31, 2009. One departmental enquiry was started against the applicant while he was in service and the said departmental enquiry ended in imposition of punishment by forfeiture of five increments. The grievance of the applicant is that his pay was not properly re-fixed after forfeiture of five annual increments as per provisions of ROPA 1981.</p> <p>It appears from the reply submitted by the</p>	

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respondent no. 4 that the punishment of forfeiture of five annual increments was imposed on the applicant w.e.f. April 2, 1979 and as such the applicant was entitled to get next annual increment only in the month of April, 1984. The reply of the respondent indicates that the basic pay of the applicant was fixed at Rs.265/- at the time of imposition of punishment and the effect of ROPA 1981 was given from April 1, 1981. The pay of the applicant was revised on the basis of ROPA 1981 and refixed at Rs.300/- w.e.f. April 1, 1981. Since the applicant was not entitled to draw annual increment due to imposition of punishment from May 1979 to May 1983, the next annual increment was fixed on May 1, 1984. Since the annual increment was due to the applicant on 1<sup>st</sup> May of every calendar year and since five annual increments were stopped due to imposition of punishment by the departmental enquiry, the annual increment was given to the applicant w.e.f. May 1, 1984 by following the provisions of ROPA 1981.

In view of our above findings, we do not find any illegality in fixation of pay of the applicant. So, the applicant is not entitled to get any relief in the present application.

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

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

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

Sanjib