

**ORDER SHEET**

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Present-**

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

**Case No – OA 529 of 2019**

Kajal Lata Bhattacharya & 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
02 03.09.2019	<p>For the Applicants : Mr. B. Bhushan, Learned Advocate.</p> <p>For the Respondent : Mr. S.N. Ray, Learned Advocate.</p> <p>Affidavit of service filed on behalf of the applicants today is kept on record.</p> <p>191 applicants have prayed for direction upon the respondents to grant each of them benefits of Career Advancement Scheme (in short, CAS) for completion of satisfactory service of 8/10 years. The contention of the applicants is that they joined as Supervisor of ICDS Projects under the Department of Women &amp; Child Development and Social Welfare, Government of West Bengal in different years and most of them have already retired from service. The further contention of the applicants is that they have got benefit of CAS for completion of 16 years of satisfactory service and 25 years of satisfactory service before their retirement.</p> <p>With the above factual matrix, Mr. B. Bhushan, Learned Counsel for the applicants, has prayed for leave under Rule 4(5)(a) of the West Bengal Administrative Tribunal (Procedure) Rules, 1994 for joining of all the applicants in one original application on the ground that all the applicants have</p>	

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approached the Tribunal for the same cause of action and the relief claimed by them is same. On the other hand, Mr. S.N. Ray, Learned Counsel representing the state respondents, submits that the cause of action for grant of benefit of CAS arises on completion of 8 years or 10 years of satisfactory service from the date of joining in the service. He further submits that 191 applicants joined in the service in different years and as such cause of action for each of the applicants will be different and as such they cannot be joined together as applicants in the same application. He also submits that the applicants did not submit any representation before the concerned authority for grant of benefit of CAS and as such the present application filed long after accrual of cause of action is barred under section 21 of the Administrative Tribunals Act, 1985.

Having heard Learned Counsel representing both parties and on consideration of the materials on record, we find that the applicants have prayed for CAS for completion of 8/10 years of service. Admittedly, the applicants joined in the post of Supervisor under ICDS Projects not only on different dates but also in different years and most of them have already retired from service. The cause of action for grant of benefit of CAS arises on completion of 8/10 years of service from the date of joining of a Government employee, provided no benefit of higher scale or promotion is given to the said employee. Since the

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applicants joined in the service in different years, the cause of action for getting benefit of CAS will also arise on different dates and in different years. The further admitted position is that no applicant has approached the concerned state respondent for granting the benefit of CAS by submitting appropriate application/representation disclosing the particulars of date of joining in the service and the date of getting benefit of CAS on completion of 8/10 years of service.

In view of our above observation, we would like to hold that the cause of action and the nature of relief of each of the applicants are not the same and as such leave cannot be granted under Rule 4(5)(a) of the West Bengal Administrative Tribunal (Procedure) Rules, 1994 as prayed by the applicants. Leave is, thus, refused.

The applicants should have approached the Tribunal individually within a period of one year from the date of refusal to grant benefit of CAS in terms of the provisions of the Administrative Tribunals Act, 1985. The delay in approaching the Tribunal, if any, should be explained properly in terms of section 21 (3) of the Administrative Tribunals Act, 1985 by each of the applicants. In the instant case, we do not find that the applicants have explained the delay in approaching the Tribunal long after their retirement from service and as such apparently it seems to us that the application is barred under section 21 of the

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Administrative Tribunals Act, 1985.

With the above observation, the original application is **disposed of** with liberty to each of the applicants to approach the concerned authority by submitting representation for grant of benefit of CAS and with further liberty to approach the Tribunal individually if the representation of each of the applicants is not considered favourably by the concerned respondents.

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

( S.K. DAS )  
MEMBER(A)

( R. K. BAG )  
MEMBER (J)

Sanjib