

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

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

Case No – OA 577 OF 2016

Sarbani 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
11 07.12.2018	<p>For the Applicant : Mrs. Sarbani Chatterjee, In person.</p> <p>For the Respondents : Mr. S. Ghosh, Learned Advocate.</p> <p>For the AG (A&E),WB : Mr. B. Mitra, Departmental Representative.</p> <p>The applicant has prayed for direction upon the respondents to grant her pay scale of Rs.700-1600/- from the date of her appointment as Librarian along with consequential benefits in terms of ROPA 1990, 1998 and 2009 after setting aside the reasoned order dated December 30, 2015 passed by the Additional Chief Secretary to the Government of West Bengal, Department of Health & Family Welfare.</p> <p>It appears from the materials on record that the applicant joined in the post of Librarian belonging to Group-C of Non-Medical Technical Personnel (NMTP cadre) in the scale of pay of Rs.440-1170/- with higher initial start of Rsl.560/- on April 2, 1983. The pay of the applicant was fixed at Rs.1785/- w.e.f. April 1, 1986 in terms of ROPA 1990 in the scale of pay of Rs.1420-3130/-. Admittedly, the applicant was allowed benefit of Career Advancement Scheme on completion of 10 years' of service and got scale of pay of Rs.1500-3410/- w.e.f. April 2,</p>	

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1993. The further admitted position is that the applicant was granted benefit of modified Career Advancement Scheme for completion of 16 years' of service and was granted scale of pay of Rs.5000-11275/-. The contention of the applicant is that one Sankar Prasad Bhar, Assistant Librarian got higher salary, which is not justified under the law. The further contention of the applicant is that she is entitled to get her pay in the pay scale of Rs.700-1600/- which is granted to the Librarian of colleges under administrative control of Higher Education Department, Government of West Bengal since the date of her joining in the post of Librarian with all consequential financial benefits.

The applicant previously approached this Tribunal by filing OA-1418 of 2013 which was disposed of on September 8, 2015 by giving direction to the Additional Chief Secretary to the Government of West Bengal, Department of Health & Family Welfare to look into the grievance of the applicant with regard to her pay scale and take a decision after giving the applicant an opportunity of hearing. The Additional Chief Secretary to the Government of West Bengal, Department of Health & Family Welfare passed the reasoned order on December 30, 2015 in compliance with the direction given by the Tribunal in OA-1418 of 2013. The said reasoned order is now under challenge in the present application.

The applicant appearing in person has filed rejoinder to

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the reply filed by the state respondents. She submits that Assistant Librarian is subordinate to her, but the said Assistant Librarian got higher salary which was denied to the applicant. She also submits that she is entitled to get the pay scale which is attached to the Librarian/Assistant Librarian of Government Colleges under administrative control of the Department of Higher Education from the very inception of her joining in the post of Librarian. On the other hand, Mr. Ghosh, Learned Counsel representing the state respondents, contends that the Librarians/Assistant Librarians of Colleges under administrative control of Higher Education Department, Government of West Bengal are entitled to get pay scale recommended by University Grants Commission, whereas the applicant is not entitled to get benefit of pay scale recommended by University Grants Commission, because the applicant is not similarly placed with the Librarians/Assistant Librarians of the Colleges under administrative control of Higher Education Department, Government of West Bengal.

Having heard both parties and on consideration of the materials on record, we find that initially the grievance of the applicant is that she was discriminated from one Sankar Prasad Bhar, Assistant Librarian who got higher salary than the applicant. On perusal of the reasoned order, we find that both the applicant and Shri Sankar Prasad Bhar used to draw same pay scale of Rs.440-1170/- with higher initial start at Rs.560/-.

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<p>However, Sankar Prasad Bhar joined in the service on May 21, 1979 and the applicant joined in the service on April 2, 1983 and thereby the said Sankar Prasad Bhar got higher salary which cannot be construed as discrimination on the touchstone of Article 14 of the Constitution of India. With regard to the grievance of the applicant for not granting scale of pay of the Librarian/Assistant Librarian of the colleges under administrative control of Higher Education Department, Government of West Bengal, we are of the view that the Librarian/Assistant Librarian of colleges under administrative control of Higher Education Department are entitled to get pay scale recommended by University Grants Commission, whereas the applicant being the Librarian of a Medical College under administrative control of the Department of Health & Family Welfare is not entitled to get pay scale recommended by University Grants Commission. The applicant is not similarly placed with the Librarian/Assistant Librarian of colleges under the administrative control of Higher Education Department, Government of West Bengal and as such equality cannot be claimed by the applicant with regard to pay scale of Librarian/Assistant Librarian of the colleges under administrative control of Higher Education Department, Government of West Bengal. We do not find any illegality or arbitrariness in the reasoned order passed by the Additional Chief Secretary to the Government of West Bengal, Department of Health & Family Welfare and as such we cannot intervene in the said impugned reasoned order dated December 30, 2015.</p>	
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Sanjib	<p>The logical inference of our above observation is that the applicant is not entitled to get any relief in the present application. As a result, the original application is dismissed.</p> <p>Let urgent xerox certified copy of the order be supplied to the parties, if applied for, on priority basis after observance of all necessary formalities.</p> <p>(S.K. DAS) MEMBER(A)</p> <p>(R. K. BAG) MEMBER (J)</p>	
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