

ORDER SHEET
WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

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

Case No – **OA 63 OF 2019**

Sujit Kumar Kundu Vs The State of West Bengal & Ors.

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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
06 18.09.2019	<p>For the Applicant : Mr. M.N. Roy, Learned Advocate</p> <p>For the Respondent : Mr. G.P. Banerjee, Learned Advocate.</p> <p>For the AG (A&E),WB : None.</p> <p style="text-align: center;">Affidavit of service filed on behalf of the applicant today is kept on record.</p> <p>The applicant has prayed for direction upon the respondents to grant him benefit of scale no. 17 and consequently other retirement benefits after setting aside order dated October 12, 2018 passed by the respondent no. 2, Principal Secretary to the Government of West Bengal, Department of Labour, by which the claim of the applicant to get scale no. 17 and other consequential retirement benefits was turned down.</p> <p>It appears from the materials on record that the applicant retired as Inspector of Shops and Establishment in scale no. 12 on July 31, 2013. He was granted promotion to the West Bengal Labour Service from West Bengal Subordinate Labour Service notionally w.e.f. January 11, 1999 and by giving actual benefit</p>	

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w.e.f. January 1, 2008 in unrevised scale no. 16, but the applicant did not join in the promotional post till the date of his retirement from service. The applicant made an effort to join the promotional post after almost 3 years from the date of grant of promotion on the ground that the applicant was unable to join the promotional post due to illness. The Controlling Officer of the applicant forwarded the application of the applicant to the higher authority seeking instruction as to whether the applicant should be allowed to join in the promotional post after lapse of 3 years from the date of issue of the promotion order. However, the applicant retired from service without joining the promotional post.

With the above factual matrix, the applicant previously moved the Tribunal by filing OA-357 of 2017 which was disposed of on June 22, 2017 by directing the present respondent no. 2 to take a decision on the claim of the applicant about grant of scale no. 17 and consequential retirement benefits on the basis of the representation submitted by the applicant. In compliance with the direction given by the Tribunal in OA-357 of 2017, the reasoned order was passed by the respondent no. 2 on October 12, 2018, which is under challenge in the present application.

Having heard Learned Counsel representing both parties and on consideration of reasoned order passed by the

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respondent no. 2, we are of the view that the reasoned order has been passed by the respondent no. 2 in accordance with law. We cannot persuade ourselves to intervene in the reasoned order passed by the respondent no. 2 who has meticulously considered the background facts to turn down the claim of the applicant to get scale no. 17, particularly when the applicant did not join in the promotional post in scale no. 16 during his entire service career.

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

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

(S.K. DAS)
MEMBER(A)

(R. K. BAG)
MEMBER (J)

Sanjib