

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

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

Case No – OA 633 OF 2017

Chhaya Ghosh Pal Majumder 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 29.08.2019	<p>For the Applicant : Mrs. S. Mitra, Learned Advocate.</p> <p>For the Respondents : Mr. B.P. Roy, 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 for revision of pension in terms of letter dated May 2, 2017 issued by the Deputy Director of School Education (Admn.), West Bengal after cancellation of letter dated May 31, 2017 issued by the Senior Accounts Officer/Pension X of the office of the Principal Accountant General (A&E), West Bengal.</p> <p>The applicant retired from service as District Inspector of Schools on September 30, 2015. She received pension on the basis of last pay drawn by her to the tune of Rs.33,360/-. The applicant did not get benefit of Modified Career Advancement Scheme (in short, MCAS) for completion of satisfactory service of 25 years before the date of her retirement. The respondent no. 3, Deputy Director of School Education (Admn.), West Bengal wrote a letter to the Accountant General (A&E), West Bengal on May 2, 2017 with request to revise the pension of the applicant by treating her basic pay on the date of retirement as Rs.35,700/- for getting benefit of MCAS on completion of 25</p>	

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years of satisfactory service. The respondent AG, West Bengal did not act upon the letter dated May 2, 2017 issued by the respondent no. 3, but made some observations which were communicated to the respondent no. 3 on May 31, 2017. The respondent AG, West Bengal gave the views in the letter dated May 31, 2017 that the pay of the applicant should be fixed at Rs.30,820/- in the pay band 4A with grade pay of Rs.6600/- on December 1, 2012, on getting benefit of MCAS for completion of satisfactory service of 25 years and the said basic pay of the applicant should be fixed at Rs.31,750/- with grade pay of Rs.6600/- on promotion of the applicant to the post of Additional District Inspector of Schools on December 2, 2012. It has been clarified by the respondent AG, West Bengal in the letter dated May 31, 2017 that the last pay of the applicant on the date of retirement should be fixed at Rs.34,720/- in the pay scale of Rs.15600-42000/- with grade pay of Rs.6600/- instead of Rs. 35,700/- recommended by the Department.

By placing on record a copy of letter dated June 18, 2019 issued by the respondent no. 3 in favour of the District Inspector of Schools (SE), Barrackpore, Mrs. S. Mitra, Learned Counsel for the applicant, submits that the applicant should have been given an opportunity of hearing before fixation of pay of the applicant at Rs.34,720/- by the Department on acceptance of the views expressed by the respondent AG, West Bengal. She further submits that the applicant apprehends that a substantial

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amount of her retirement benefits will be deducted for excess payment of salary. On the other hand, Mr. B. Mitra, the Departmental Representative of the respondent AG, West Bengal, submits that the department has not yet given any reply to the letter dated May 31, 2017 whereby the respondent AG, West Bengal has communicated for fixation of pay of the applicant on the date of her retirement as Rs.34,720/- for the purpose of revision of pension. We have also heard Mr. Roy, Learned Counsel representing the state respondents.

Having heard the respective parties and on consideration of the materials on record, we find that the proposal for revision of pension of the applicant by fixation of her basic pay on the date of retirement from Rs.33,360/- to Rs.35,700/- calculated by the Directorate of School Education (Admn.), West Bengal has not been accepted by the respondent AG, West Bengal. The respondent AG, West Bengal is of the view that pay of the applicant should be fixed at Rs.34,720/- on the date of her retirement from service. The Directorate of School Education, West Bengal has ultimately accepted the views of the respondent AG, West Bengal for fixation of pay of the applicant at Rs.34,720/- instead of Rs.35,700/- on the date of her retirement from service as communicated by the respondent no. 3 to the District Inspector of Schools (SE), Barrackpore on June 18, 2019, but this fixation of pay has not yet been communicated to the respondent AG, West Bengal. As a result, the respondent

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AG, West Bengal is not in a position to revise the pension of the applicant by issuing revised PPO. What transpires from the materials on record is that the Directorate of School Education has not yet given reply to the views of the respondent AG, West Bengal communicated under letter dated May 31, 2017. It is relevant to point out that pay fixation of the applicant has not yet been done by the Director of School Education, West Bengal by giving benefit of MCAS for completion of satisfactory service of 25 years by taking into consideration the views expressed by the respondent AG, West Bengal in the letter dated May 31, 2017.

In view of our above findings, we direct the respondent no. 2, Commissioner of School Education, West Bengal to take necessary action for fixation of pay of the applicant after giving benefit of MCAS for completion of satisfactory service of 25 years by taking into consideration the views expressed by the Principal Accountant General (A&E), West Bengal in the letter dated May 31, 2017 within a period of 12 (twelve) weeks from the date of communication of the order and take necessary follow up action within a period of 4 (four) weeks thereafter.

With the above direction, the original application stands **disposed of.**

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

Sanjib

(S.K. DAS)
MEMBER(A)

(R. K. BAG)
MEMBER (J)

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