

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

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

Case No – OA 68 OF 2017

Kishor Chandra Mukherjee 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
16 18.02.2020	<p>For the Applicant : Mr. K. Ghosal, Learned Advocate.</p> <p>For the Respondent : Mr. D. Kole, Learned Advocate.</p> <p>The applicant has prayed for direction upon the respondents for grant of higher scale of pay and payment of arrears of salary and other consequential benefits of service.</p> <p>The applicant joined in the Government service as Khalasi in terms of the order dated October 27, 1979 issued by the Officer on Special Duty (Superintending Engineer), Irrigation & Waterways Directorate on October 27, 1979. He was appointed as temporary Gauge Reader in the work charged establishment on February 10, 1983 in terms of the order issued by the Executive Engineer, Purulia Construction Division, Directorate of Irrigation and Waterways. The contention of the applicant is that some Gauge Readers of the Directorate of Irrigation and Waterways moved the Hon'ble High Court by filing C.O. 7590 (W) of 1995 praying for an enhanced pay scale of Rs.300-685/- under West Bengal Services (Revision of Pay and Allowances) Rules, 1981 (in short, ROPA Rules, 1981) and corresponding pay scale under West Bengal Services (Revision of Pay and Allowances) Rules, 1990 (in short, ROPA Rules, 1990). By disposing of the said writ application on</p>	

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June 7, 1995, the Hon'ble High Court gave direction to the state respondents to consider the representation of the writ petitioners by passing a reasoned order within specific period of time. Ultimately, on August 14, 1996, the Department of Irrigation and Waterways granted benefit of scale of Rs.300-685/- under ROPA Rules, 1981 and corresponding pay scale under ROPA Rules, 1990 in terms of the order passed in the writ petition and communicated the same to the Accountant General (A&E), West Bengal by one letter issued by the Assistant Secretary to the Government of West Bengal, Department of Irrigation and Waterways on August 14, 1996.

Learned Counsel for the applicant contends that the applicant is similarly circumstanced with the writ petitioners of C.O. 7590 (W) of 1995 and as such the applicant is entitled to get benefit of pay scale in terms of letter dated October 14, 1996 issued by the Assistant Secretary to the Government of West Bengal, Department of Irrigation and Waterways. Learned Counsel representing the state respondents submits that the applicant was not a party to the writ petition and as such he is not entitled to get the benefit of higher scale of pay.

Having heard Learned Counsel representing both parties and on consideration of the materials on record, we find that the writ petitioners working as Gauge Readers in the Directorate of Irrigation and Waterways were granted scale of pay of Rs.300-685/- under ROPA Rules, 1981 and corresponding pay scale under

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ROPA Rules, 1990 as they possessed minimum educational qualification of passing Matriculation Examination or its equivalent examination. The applicant has produced the admit card for appearing in the School Final Examination held on March 5, 1975, but he has failed to produce the certificate or marks sheet for passing the said School Final Examination. The copy of marks sheet of School Final Examination of 1974 produced by the applicant (page 17 of the writ application) indicates that he did not pass the School Final Examination, as he got only thirty two (32) marks out of total two hundred (200) marks in second language. Since the applicant has failed to produce any document to establish that he passed Matriculation Examination or its equivalent examination, we cannot persuade ourselves to hold that the applicant is similarly circumstanced with the writ petitioners of C.O. 7590 (W) of 1995. As a result, the applicant is not entitled to get the benefit of higher pay scale of Rs.300-685/- under ROPA Rules, 1981 and corresponding pay scale under ROPA Rules, 1990. As a result, the original application is **dismissed**.

(S.K. DAS)
MEMBER(A)

(R. K. BAG)
MEMBER (J)

Sanjib