

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

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

Case No – OA 824 OF 2017

Manash Mazumder & Ors. 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 |
|------------------------------------|---|--|
| 10 21.01.2020 | <p>For the Applicants : Mr. A. K. Neogi, Learned Advocate.</p> <p>For the Respondent : Mr. G.P. Banerjee, Mrs. S. Agarwal, Learned Advocates.</p> <p>The applicants have prayed for direction upon the respondents for granting them scale no. 10 in compliance with Memo. dated March 8, 2005 and June 26, 2012 issued by the Finance Department, Audit Branch and Department of Food & Supplied, Government of West Bengal respectively.</p> <p>The contention of the applicants is that they have been granted promotion to the post of Inspector, Food & Supplies Department, Government of West Bengal. The further contention of the applicants is that the persons who are similarly circumstanced with the applicants have already been granted scale no. 10 in terms of Memo. dated March 8, 2005 issued by the Finance Department, Audit Branch, Government of West Bengal and in terms of Memo. dated June 26, 2012 issued by the Department of Food & Supplies, Government of West Bengal in terms of the judgment and order passed by the Tribunal and affirmed by the Hon'ble High Court and the Hon'ble Supreme Court in due course.</p> | |

ORDER SHEET

Manash Mazumder & Ors.

Form No.

.....

Vs.

The State of West Bengal & Ors.

Case No. **OA 824 OF 2017**

.....

Mr. A.K. Neogi, Learned Counsel for the applicants has relied on order dated July 13, 2015 passed by this Tribunal in OA-812 of 2013 and submitted that the members of West Bengal Subordinate Food & Supplies Service, Government of West Bengal have got scale no. 10 in terms of the order passed by the Tribunal and the present applicants are on the same footing as members of West Bengal Subordinate Food & Supplies Services and as such they are entitled to be treated equally for getting Scale No. 10.

Mr. G.P. Banerjee, Learned Counsel representing the state respondents, contends that the entitlement of the Inspector of Food under the Department of Food & Supplies to get Scale No. 10 has already been decided by the Tribunal and the Hon'ble High Court and the Hon'ble Apex Court, but the issue has been referred to the 6th Pay Commission of the State of West Bengal, which has already submitted the report and implemented by the state respondents.

Having heard Learned Counsel representing both parties and on consideration of the fact that the issue of grant of scale no. 10 to the Inspector of Food, Department of Food & Supplies, Government of West Bengal has already been decided by the Hon'ble High Court and the Hon'ble Supreme Court and also by the Tribunal in OA-812 of 2013.

ORDER SHEET

Manash Mazumder & Ors.

Form No.

.....

Vs.

The State of West Bengal & Ors.

Case No. **OA 824 OF 2017**

.....

Accordingly, we direct the respondent no. 1, Principal Secretary to the Government of West Bengal, Department of Food & Supplies, Government of West Bengal to consider the entitlement of the applicants to get scale no. 10 as Inspector of Food, Department of Food & Supplies, Government of West Bengal in terms of order passed by this Tribunal in OA-812 of 2013 within a period of 12 (twelve) weeks from the date of communication of the order and to communicate the decision only to applicant no. 1 within a period of 8 (eight) weeks thereafter.

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

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

(S.K. DAS)
MEMBER(A)

(R. K. BAG)
MEMBER (J)

Sanjib