

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

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

Case No – OA 852 OF 2018

Sampa Chanda Sinha 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
01 14.01.2019	<p>For the Applicant : Mr. G.P. Banerjee, Mr. S. Chatterjee, Mr. G.K. Chowdhury, Learned Advocates.</p> <p>For the Respondent Nos. 3,4&5 : Mr. M.N. Roy, Learned Advocate.</p> <p>The applicant has prayed for direction upon the respondents for removal of discrimination of the applicant with the pay scale of the post of Museum Caretaker under Cultural Research Institute, Department of Backward Classes Welfare, Government of West Bengal and other ancillary reliefs.</p> <p>The contention of the applicant is that the applicant has been working in the post of Technical Assistant in the office of the Cultural Research Institute, Department of Backward Classes Welfare, Government of West Bengal in the pay band of Rs.5400-25200/- with grade pay of Rs.2900/-. The further contention of the applicant is that the post of Caretaker having less educational qualification in the same Cultural Research Institute under Backward Classes Welfare Department, Government of West Bengal carries pay band-3 – Rs7100-37600/- with grade pay of Rs.3600/-. The grievance of the applicant is that he is getting lesser pay having more educational qualification, whereas the Caretaker is getting more pay having</p>	

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less educational qualification.

Having heard Learned Counsel representing both parties, we find that the essential qualification for recruitment to the post of Technical Assistant is Bachelors Degree with Anthropology as one of the subject, whereas the essential qualification for recruitment to the post of Caretaker is intermediate/pre-university/higher secondary examination and experience of collection, preservation and display of museum specimen. Since the essential qualification for recruitment to fill up the post of Caretaker is different from essential qualification for recruitment to fill up the post of Technical Assistant, the state respondents have the right to prescribe different pay scales for the said two posts which belongs to different cadres under the Department of Backward Classes Welfare, Government of West Bengal. Since the two posts belong to different cadres, we are unable to accept the contention made on behalf of the applicant that the applicant has been discriminated.

On our query, Learned Counsel for the applicant submits that the advertisement for filling up the post of Caretaker has not yet been published. If the advertisement for recruitment is published in future, the applicant is at liberty to apply for the post of Caretaker subject to fulfilment of essential qualifications prescribed for recruitment to fill up the said post.

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Sanjib	<p>In view of our above observation, the applicant is not entitled to get any relief in the present application. The original application is, thus, dismissed.</p> <p>Let a plain copy of this order be supplied to both parties.</p> <p>(S.K. DAS) MEMBER(A)</p> <p>(R. K. BAG) MEMBER (J)</p>	
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