

**ORDER SHEET**  
**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Present-**

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

**Case No – OA 874 OF 2017**

Smt. Sima De 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 27.08.2019	<p>For the Applicant : Mr. Goutam Pathak Banerjee, Ld. Advocate.</p> <p>For the Respondents : Mr. Sankha Ghosh, Ld. Advocate.</p> <p>The applicant has prayed for direction upon the respondents for grant of benefit of Career Advancement Scheme (in short, CAS) on completion of satisfactory service of 25 years after setting aside order conveyed under letter dated January 18, 2017 issued by the Joint Director of Health Services (Nursing), Government of West Bengal.</p> <p>The applicant joined in the post of Staff Nurse, Grade-II of West Bengal Nursing Service on May 13, 1991 on the basis of order dated April 18, 1991 issued by Director of Health Services, West Bengal. She got benefit of CAS for completion of satisfactory service of 8 years and 16 years in due course. The applicant also got promotion to the post of Ward Sister in the pay scale of Rs.9000-40500/- of pay band no. 4 with grade pay of Rs.4400/- plus other allowances admissible under the rules on the basis of order dated June 17, 2009. The applicant submitted application for joining the post of Clinical Instructor in the cadre of West Bengal General Service through lateral induction in terms of West Bengal State General Service (Recruitment and</p>	

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Promotion to Teaching Posts in Government Colleges of Nursing) Rules, 2013 (in short, WB Teaching Cadre of Nursing Rules, 2013). She joined as Clinical Instructor on the basis of Notification issued on August 12, 2015 by the Department of Health & Family Welfare, Nursing Branch, Government of West Bengal. The pay scale and grade pay of the applicant remained the same as she used to get in her previous service before joining as Clinical Instructor in West Bengal General Service. The grievance of the applicant is that she was not granted benefit of CAS for completion of 25 years of satisfactory service.

With the above factual matrix, Mr. Goutam Pathak Banerjee, Learned Counsel for the applicant, contends that the applicant joined as Clinical Instructor in West Bengal General Service through lateral induction without forfeiting her past service in West Bengal Nursing Cadre and as such she is entitled to get benefit of CAS for completion of satisfactory service of 25 years. Mr. Banerjee further contends that prayer of the applicant for grant of benefit of CAS for completion of 25 years of service was rejected without assigning any reason.

Per contra, Mr. Shankha Ghosh, Learned Counsel representing the State respondents, contends that the applicant switched over from West Bengal Nursing Service to West Bengal General Service by joining as Clinical Instructor through

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lateral induction in the month of August, 2015 and as such the past service rendered by the applicant in West Bengal Nursing Cadre cannot be taken into consideration for grant of benefit of CAS for completion of 25 years of service. The specific submission of Mr. Ghosh is that the applicant joined in a new service in the month of August, 2105 and her length of past service in the cadre of West Bengal Nursing Service can only be considered for the purpose of retirement benefits.

Having heard Learned Counsel representing both parties and on consideration of the materials on record, we are of the view that the benefit of CAS will be available to a Government employee who rendered satisfactory service of 8 years, 16 years and 25 years in the same post without getting any promotion. In the instant case, the applicant not only got promotion as Ward Sister on 17.06.2009, but also left West Bengal Nursing Service and joined as Clinical Instructor of West Bengal General Service through lateral induction and thereby the past service rendered by the applicant as Staff Nurse or Ward Sister in West Bengal Nursing Service cannot be taken into consideration for granting her benefit of CAS for completion of 25 years of satisfactory service. Since the applicant joined in a new service as Clinical Instructor, the length of past service in West Bengal Nursing Cadre can only be considered for granting her retirement benefits.

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Sanjib	<p>In view of our above findings, we do not find any illegality in rejection of prayer of the applicant for granting her benefit of CAS for completion of 25 years of service by letter dated January 18, 2017 issued by the Joint Director of Health Services (Nursing), Government of West Bengal. As a result, the original application is <b>dismissed</b>.</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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