

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

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

Case No – OA 9 OF 2014

Gopi Ranjan Saha 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
17 26.09.2018	<p>For the Applicant : Mrs. S. Mitra, Learned Advocate.</p> <p>For the Respondents : Mrs. S. Agarwal, Learned Advocate.</p> <p>The applicant has prayed for direction upon the respondents to give opportunity to the applicant for exercise of option for fixation of pay on cancellation of order communicated under letter dated January 8, 2013 issued by Joint Director (Personnel), Directorate of Health Services, West Bengal.</p> <p>The contention of the applicant is that the applicant joined in Group-D post as GDA in the establishment of Chief Medical Officer of Health, Nadia in the month of May 1973. The further contention of the applicant is that he got promotion to the rank of Grade-II in Group-D unified cadre w.e.f. April 1, 1997 and got further promotion to the post of Lower Division Clerk w.e.f. April 1, 1998. The applicant retired from service as Lower Division Clerk on July 31, 2008. The applicant came to learn after retirement that the respondent no. 4 got the opportunity for change of option for fixation of pay and thereby got more financial benefits. Accordingly, on June 2, 2011, the applicant submitted one application through proper channel for change of option for fixation of pay on promotion. The said application was rejected by letter dated January 8, 2013 which is under</p>	

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challenge in the present application.

Mrs. Mitra, Learned Counsel for the applicant, contends that the respondent no. 4 was given the opportunity for change of option from May 5, 1993 to April 1, 1994 for fixation of pay on getting benefit of Career Advancement Scheme for 20 years of service as Group-D employee and for change of option from May 1, 1996 to April 1, 1996 for fixation of pay under the provisions of West Bengal Services (Revision of Pay & Allowances) Rules, 1998. She further submits that the applicant also should be given the same opportunity for exercise of fresh option by way of change of the option already given by the applicant in order to get more financial benefit at par with the respondent no. 4.

We have heard Mrs. Agarwal, Learned Counsel representing the state respondents.

On our query, Mrs. Mitra, Learned Counsel for the applicant, has failed to enlighten us as to when respondent no. 4 retired from service. It appears from the representation submitted by the applicant (Annexure-A4 to the original application) that the respondent no. 4 was given the opportunity for change of option on January 7, 2009 for the purpose of fixation of pay for Career Advancement Scheme and for the purpose of fixation of pay under the provisions of ROPA, 1998. It is not clear to us whether that option was exercised by the

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respondent no. 4 while he was in service or after his retirement. The applicant has prayed for an opportunity to exercise fresh option by way of change of the previous option for fixation of pay on promotion to Grade-II post of Group-D and on promotion to post of Lower Division Clerk almost after 11 years of exercise of option by the applicant and about 3 years after retirement of the applicant from service. On consideration of the fact that the applicant has prayed for giving opportunity for exercise of option for fixation of pay on promotion, while the respondent no. 4 got the opportunity for exercise of option for fixation of pay for getting benefit of Career Advancement Scheme and for fixation of pay under the provisions of ROPA, 1998, we are of the view that the applicant is not similarly circumstanced with the respondent no. 4 for getting the benefit of exercise of fresh option long after his retirement. We do not find any illegality or arbitrariness in the order under challenge in the present application.

Accordingly, the present application is **dismissed**.

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

(S.K. DAS)
MEMBER(A)

(R. K. BAG)
MEMBER (J)

Sanjib