

**ORDER SHEET**

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Present-**

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

**Case No – OA 954 OF 2016**

Tapas Ranjan Kar & Others 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
14 17.12.2018	<p>For the Applicants : Mr. S. Srimani, Learned Advocate.</p> <p>For the Respondents : Mr. S.N. Ray, Learned Advocate.</p> <p>The applicants have prayed for direction upon the respondents to grant them scale no. 19 along with the status of Joint Secretary on relaxation of rules in respect of shortfall in the length of service in the light of the judgment passed by this Tribunal in OA-177 of 2013 being affirmed by the Hon'ble High Court in WPST No. 227 of 2014.</p> <p>It appears from the materials on record that seven applicants belong to West Bengal Civil Service (Executive). The contention of the applicants is that they are promotee officers of 1992 batch and placed in the gradation list above the directly recruited officers of the same batch of 1992. The grievance of the applicants is that they have not received scale no. 19 from the date they would have been eligible to enjoy benefit of scale no. 19 and status of Joint Secretary to the Government of West Bengal due to joining in the service in 1997. The further contention of the applicant is that they could not join along with the directly recruited officers of the same batch of 1992 who joined in the year 1993 due to administrative lapses over which the applicants had no control. The applicants have been deprived of the financial benefits and</p>	

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status due to administrative lapses on the part of the state respondents. The state respondents have not given any reply denying the allegations made by the applicants in the original application.

Having heard Learned Counsel representing both parties and on consideration of the materials on record, we find that the applicants are similarly situated with the applicants of OA-177 of 2013 (Sukumar Das and Others v State of West Bengal and Others) which was disposed of in favour of the applicants on February 7, 2014. The judgment passed by the Tribunal in OA-177 of 2013 was also affirmed by the Division Bench of the Hon'ble High Court on May 5, 2015 in WPST no. 227 of 2014. Since the applicants are squarely covered by the previous judgment of the Tribunal in OA-177 of 2013 which was affirmed by the Hon'ble High Court in WPST no. 227 of 2014, we are of the view that the respondent no. 2 should take into consideration the said judgments passed by the Tribunal and the Hon'ble High Court in giving financial benefits to the applicants on the basis of principle already laid down by this Tribunal and affirmed by the Hon'ble High Court.

Accordingly, we direct the respondent no. 2, Principal Secretary to the Government of West Bengal, Personnel and Administrative Department to consider the entitlement of the applicants to get scale no. 19 along with status of Joint Secretary to the Government of West Bengal on relaxation of rules in respect of shortfall in the length of service of the applicants on

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consideration of the judgment passed by this Tribunal in OA-177 of 2013 being affirmed by Hon'ble High Court in WPST no. 227 of 2014 within a period of 12 (twelve) weeks from the date of communication of the order and take necessary follow up action within a period of 4 (four) weeks thereafter.

With the above direction, the original application stands **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