

ORDER SHEET

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

**The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson & Member (A)**

**Case No. CCP – 59 of 2023 (OA – 418 of 2019)**

**Dipti Kalyan Dhali - VERSUS - Mr. N.S. Nigam, Pr. Secy., Health & Family Welfare Department,**

Serial No. and Date of order <u>3</u> 15.04.2024	For the Applicant	: Mr. S.K. Mondal, Ms. T. Bhattacharjee, Advocates
	For the Contemnor O.P.(s)	: Mr. G.P. Banerjee, Advocate

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 638 – WBAT / 2J-15/2016 dated 23<sup>rd</sup> November, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

On consent of the learned counsels, the case is taken up for consideration sitting singly.

By filing copy of Memo. H/TDE/270/5C-03/2019/DRUG&EQUIP dated 07.03.2024, Mr. Banerjee, learned counsel for the State respondents submits that the alleged contemnor has complied with the direction of this Tribunal dated 15.03.2023 in O.A. 418 of 2019. By this order, the Tribunal had directed the respondent authority to consider the prayer of the applicant for pay protection in accordance with law. This Memo has enclosed a copy of the reasoned order passed on 06.03.2024 by the Principal Secretary, Health & Family Welfare Department. The reasoned order refers to the opinion given by the Finance Department. The relevant part of the order is as under:-

*“The entire West Bengal Service Rules, made in exercise of powers under proviso to article 309 of the Constitution of India, relates to conditions of service of a regular and whole time ‘employee’ of the State Government. The conditions of service laid down in the said West Bengal Service Rules relate to the period of ‘service’ of an ‘employee’. Since, after retirement of a person ceases to be a Government employee, West Bengal Service Rules in general and Rule 55(4) of WBSR Part I in particular is no longer applicable to him. Therefore, an application filled by such a person after his retirement from Government Service for stepping up of pay under the said rule cannot be considered.”*

**ORDER SHEET**

Form No.

**Dipti Kalyan Dhali**

**Vs.**

Case No. **CCP – 59 of 2023 (OA – 418 of 2019)**

Mr. N.S. Nigam, Pr. Secy., Health & Family  
Welfare Department

Having heard the submissions of the learned counsels and on examination of the reasoned order, the Tribunal is satisfied that the direction of this Tribunal has been complied by the alleged contemnor / O.P.

Accordingly, the Contempt proceedings are dropped and this Contempt application is disposed of.

**SAYEED AHMED BABA**  
**OFFICIATING CHAIRPERSON & MEMBER(A)**

A.K.P