

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

THE HON'BLE SAYEED AHMED BABA, OFFICIATING CHAIRPERSON AND ADMINISTRATIVE MEMBER,

Serial No. and
Date of order

10
18.09.2024

Case No. : CCP 58 OF 2022 (OA 524 OF 2020)
SIKHA CHOUDHURY Vs. SANGHAMITRA GHOSH, SECRETARY, WOMEN
AND CHILD DEVELOPMENT AND SOCIAL WELFARE DEPARTMENT

Case No. : CCP 59 OF 2022 (OA 525 OF 2020)
ANJALI MUKHERJEE Vs. SANGHAMITRA GHOSH, SECRETARY, WOMEN
AND CHILD DEVELOPMENT AND SOCIAL WELFARE DEPARTMENT

Case No. : CCP 60 OF 2022 (OA 526 OF 2020)
SAGORIKA PAUL Vs. SANGHAMITRA GHOSH, SECRETARY, WOMEN AND
CHILD DEVELOPMENT AND SOCIAL WELFARE DEPARTMENT

Case No. : CCP 61 OF 2022 (OA 527 OF 2020)
NIVA DAS Vs. SANGHAMITRA GHOSH, SECRETARY, WOMEN AND CHILD
DEVELOPMENT AND SOCIAL WELFARE DEPARTMENT

Case No. : CCP 62 OF 2022 (OA 528 OF 2020)
SULEKHA CHAKRABORTY Vs. SANGHAMITRA GHOSH, SECRETARY,
WOMEN AND CHILD DEVELOPMENT AND SOCIAL WELFARE
DEPARTMENT

Case No. : CCP 63 OF 2022 (OA 529 OF 2020)
KAJAL SRKAR Vs. SANGHAMITRA GHOSH, SECRETARY, WOMEN AND
CHILD DEVELOPMENT AND SOCIAL WELFARE DEPARTMENT

Case No. : CCP 64 OF 2022 (OA 531 OF 2020)
FALGUNI SARKAR Vs. SANGHAMITRA GHOSH, SECRETARY, WOMEN
AND CHILD DEVELOPMENT AND SOCIAL WELFARE DEPARTMENT

Case No. : CCP 65 OF 2022 (OA 532 OF 2020)
SOUMITRA MAZUMDER Vs. SANGHAMITRA GHOSH, SECRETARY,
WOMEN AND CHILD DEVELOPMENT AND SOCIAL WELFARE
DEPARTMENT

Case No. : CCP 66 OF 2022 (OA 512 OF 2020)
PURNIMA CHATTERJEE Vs. SANGHAMITRA GHOSH, SECRETARY,
WOMEN AND CHILD DEVELOPMENT AND SOCIAL WELFARE
DEPARTMENT

Case No. : CCP 67 OF 2022 (OA 513 OF 2020)
SANCHITA MUKHERJEE Vs. SANGHAMITRA GHOSH, SECRETARY,
WOMEN AND CHILD DEVELOPMENT AND SOCIAL WELFARE
DEPARTMENT

Case No. : CCP 68 OF 2022 (OA 515 OF 2020)
SIKHA CHATTERJEE Vs. SANGHAMITRA GHOSH, SECRETARY, WOMEN
AND CHILD DEVELOPMENT AND SOCIAL WELFARE DEPARTMENT

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Case No. : CCP 69 OF 2022 (OA 517 OF 2020)
DIPTI CHOWDHURY Vs. SANGHAMITRA GHOSH, SECRETARY, WOMEN
AND CHILD DEVELOPMENT AND SOCIAL WELFARE DEPARTMENT

Case No. : CCP 70 OF 2022 (OA 518 OF 2020)
SWARNALI MUKHERJEE Vs. SANGHAMITRA GHOSH, SECRETARY,
WOMEN AND CHILD DEVELOPMENT AND SOCIAL WELFARE
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Case No. : CCP 71 OF 2022 (OA 519 OF 2020)
TAPASHI MALLICK Vs. SANGHAMITRA GHOSH, SECRETARY, WOMEN
AND CHILD DEVELOPMENT AND SOCIAL WELFARE DEPARTMENT

Case No. : CCP 72 OF 2022 (OA 520 OF 2020)
KRISHNA CHAKRABORTY Vs. SANGHAMITRA GHOSH, SECRETARY,
WOMEN AND CHILD DEVELOPMENT AND SOCIAL WELFARE
DEPARTMENT

Case No. : CCP 73 OF 2022 (OA 521 OF 2020)
BABY AISH Vs. SANGHAMITRA GHOSH, SECRETARY, WOMEN AND
CHILD DEVELOPMENT AND SOCIAL WELFARE DEPARTMENT

Case No. : CCP 74 OF 2022 (OA 522 OF 2020)
CHHANDA MUKHERJEE Vs. SANGHAMITRA GHOSH, SECRETARY, WOMEN
AND CHILD DEVELOPMENT AND SOCIAL WELFARE DEPARTMENT

Case No. : CCP 75 OF 2022 (OA 322 OF 2020)
CHHAYA DAS CHAUDHURI Vs. SANGHAMITRA GHOSH, SECRETARY,
WOMEN AND CHILD DEVELOPMENT AND SOCIAL WELFARE
DEPARTMENT

Case No. : CCP 76 OF 2022 (OA 323 OF 2020)
KUKU RANI DAS Vs. SANGHAMITRA GHOSH, SECRETARY, WOMEN AND
CHILD DEVELOPMENT AND SOCIAL WELFARE DEPARTMENT

Case No. : CCP 77 OF 2022 (OA 324 OF 2020)
ASHIMA MONDAL Vs. SANGHAMITRA GHOSH, SECRETARY, WOMEN
AND CHILD DEVELOPMENT AND SOCIAL WELFARE DEPARTMENT

Case No. : CCP 78 OF 2022 (OA 325 OF 2020)
MINATI SIKDAR Vs. SANGHAMITRA GHOSH, SECRETARY, WOMEN AND
CHILD DEVELOPMENT AND SOCIAL WELFARE DEPARTMENT

Case No. : CCP 79 OF 2022 (OA 326 OF 2020)
SHYAMALI MONDAL Vs. SANGHAMITRA GHOSH, SECRETARY, WOMEN
AND CHILD DEVELOPMENT AND SOCIAL WELFARE DEPARTMENT

Case No. : CCP 80 OF 2022 (OA 327 OF 2020)
JYOTSNA BHATTACHARJEE Vs. SANGHAMITRA GHOSH, SECRETARY, WOMEN
AND CHILD DEVELOPMENT AND SOCIAL WELFARE DEPARTMENT

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Case No. : CCP 81 OF 2022 (OA 328 OF 2020)
SIMA CHAKI Vs. SANGHAMITRA GHOSH, SECRETARY, WOMEN AND
CHILD DEVELOPMENT AND SOCIAL WELFARE DEPARTMENT

Case No. : CCP 82 OF 2022 (OA 329 OF 2020)
SIKHA MUKHERJEE Vs. SANGHAMITRA GHOSH, SECRETARY, WOMEN
AND CHILD DEVELOPMENT AND SOCIAL WELFARE DEPARTMENT

Case No. : CCP 83 OF 2022 (OA 330 OF 2020)
APARNA DUTTA Vs. SANGHAMITRA GHOSH, SECRETARY, WOMEN AND
CHILD DEVELOPMENT AND SOCIAL WELFARE DEPARTMENT

Case No. : CCP 84 OF 2022 (OA 331 OF 2020)
SUPRA SINHA DAS Vs. SANGHAMITRA GHOSH, SECRETARY, WOMEN
AND CHILD DEVELOPMENT AND SOCIAL WELFARE DEPARTMENT

Case No. : CCP 85 OF 2022 (OA 332 OF 2020)
CHHANDA JASH Vs. SANGHAMITRA GHOSH, SECRETARY, WOMEN AND
CHILD DEVELOPMENT AND SOCIAL WELFARE DEPARTMENT

Case No. : CCP 86 OF 2022 (OA 333 OF 2020)
SUPARNA DHAR Vs. SANGHAMITRA GHOSH, SECRETARY, WOMEN AND
CHILD DEVELOPMENT AND SOCIAL WELFARE DEPARTMENT

For the Applicants: : Mr.B.Bhushan
Advocate

For the Alleged Contemnor/
Opposite Party : Mr.Soumendra Narayan Ray
Advocate

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 638-WBAT/2J-15/2016 (Pt.-II) dated 23rd 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 for the contesting parties, the case is taken up for consideration sitting singly.

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Since the matters appearing in today's list from serial No. 9 to 37 are similar, all the matters are heard analogously.

Mr.B.Bhushan, learned counsel appearing on behalf of the applicants files an exception to the compliance report. Copy has been served upon Mr.Ray, learned counsel appearing on behalf of the State respondents.

In the records, showing the order dated 06.10.2023 in this application it is manifest that the learned counsels for both the sides had desired this matter be heard by a Bench comprising two Members (Judicial and Administrative). However, today Mr.Bhushan is of the opinion that since no such Bench has been available during the last two years and not likely in the near future, therefore, in the interest of the applicants who have superannuated, these matters are heard by the present Single Bench. Mr.Ray, learned counsel for the State respondents does not oppose.

This contempt application was filed alleging non compliance of this Tribunal's order in their respective Original applications. The applicants were petitioners in their respective Original applications in which they had prayed for a direction to the respondent authorities to provide CAS benefits of 10 / 8 years of continuous service. The applicants had joined as Supervisor (ICDS) in Scale No. 9 and superannuated as Supervisor. The most important order the applicants placed their reliance is a direction of this Tribunal in OA-1646 of 1998 in which the Tribunal on 20.09.2007 directed the State respondents to give Scale No. 10 benefits to the petitioners and subsequent benefits. The order passed in OA-1646 of 1998 was challenged by the State respondents in the Hon'ble High Court in WPST-147 of 2009 which was not successful. Similarly, the State moved the Hon'ble Apex Court in a

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SLP which was also dismissed. Subsequently, the prayers for granting Scale No. 10 and consequent benefits was disposed by this Tribunal in their respective Original applications with the following words:

“After considering the aforesaid factual aspect of the case and submission of the learned counsel of the contesting parties, all the applications are disposed of by directing the Director of ICDS, Government of West Bengal, Kolkata, the respondent No. 3, to consider and dispose of the representations of the applicants, being annexure (Annexure A/10) in all the applications, strictly adhering to settled principles of law laid down in O.A. No. 1646 of 1998 and in WPST No. 147 of 2009 within a period of fifteen weeks from the date of presentation of a copy of this order downloaded from the website of the Tribunal.”

Since the respondent authorities had failed to comply with such direction within 15 weeks time, the applicants preferred these contempt applications. After filing of the Contempt applications, the Director, ICDS, passed the reasoned orders in compliance to the directions.

In the reasoned orders complying to the specific direction of this Tribunal in OA-524 of 2020 for “strictly adhering to settled principles of law laid down in OA-1646 of 1998 and in WPST-147 of 2009”, the compliance report records the following:

“In her application, she prayed for granting 10 years CAS benefit in the Pay Scale no. 11 and to revise her pension benefit accordingly.

Smt. Sikha Chowdhury referred to the judgment dated 20.09.07 passed by Hon’ble WBAT in O.A. No. 1646 of 1998 and judgment dated 11.08.2016 passed by Hon’ble High Court in WPST 147 of 2009 in the matter of Shila Bhattacharya & 25 Other Supervisors Vrs. State of West

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Bengal & Ors.

In compliance with and as per the direction of the Order of the Hon'ble Court, Smt. Shila Bhattacharya and 25 other petitioners were given the Pay Scale no. 10 from their date of joining as Supervisor and thereafter awarded 10 years, 16 years and 25 years CAS benefit.

However, going through the records and documents of Smt. Sikha Chowdhury it has been observed that Smt. Chowdhury was not an applicant or Party in the case referred herein.

Hence, Relief as sought for by the petitioner has been considered and rejected.”

Mr.Bhushan submits that the alleged contemnor has not complied the direction of the Tribunal, neither in letter and nor in spirit.

Having heard the submissions of the learned counsels and on closer examination of the records, in particular, the reasoned order passed by the Director of ICDS, the Tribunal has come to this clear conclusion that the Director of ICDS has not complied to such direction. From a very simple reading, it is very clear that the direction was on her to consider the representation of the applicant strictly in the light of the law laid down in OA-1646 of 1998. It is necessary to cite here the relevant part of the judgement in OA-1646 of 1998.

“Upon total analysis of the materials available before us and in view of our reasonings, as above, and also for the reason that when such benefit has been granted to Kuntal Kanti Mondal before upgradation of pay scale, we are inclined to accept the contentions of the petitioner in the instant case, Consequently, we hold that the circular dated 21.06.1990 of the Finance Department, Government of West Bengal will

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not create any impediment in the connected matter.

Accordingly, we quash and set aside the impugned order dated 08.12.1990 passed by the Joint Secretary, Finance Department and the if the Deputy Secretary, Social Welfare Department issued on 03-04-1993 together with the order dated 22.04.1998 issued by the Officer on Special Duty and Ex-Officio Director of Social Welfare with a further direction upon the Respondents to consider the case of the petitioners for grant of Career Advancement Scheme benefit in terms of the extant rule within the period of 03 months from the date of communication of this order, and the Respondent Authorities are further restrained from withdrawing the benefit under Career Advancement Scheme from the petitioners, who are enjoying such benefit under the said scheme.”

The Tribunal is not satisfied with the only ground relied on by the Director of ICDS that the respective applicants were not parties in OA-1646 of 1998. This was not what was intended or directed by the Tribunal to her. The entire issue which has been contested was relating to their entitlement for getting benefits of Scale No. 10. It is immaterial whether applicants were parties in the earlier application or not.

In view of the observations recorded above, the Tribunal, not being satisfied, is of the view that the reasoned order dated 14.11.2022 presented before this Tribunal as compliance report is not a compliance of the direction of this Tribunal and is, therefore, quashed and set aside with a direction to comply strictly, both in letter and spirit, the direction of this Tribunal passed in applications filed by the applicants within a period of 3 months from the date of communication of this order.

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Let all the matters appear under the heading "For Orders" on
29th January, 2025.

(SAYEED AHMED BABA)
OFFICIATING CHAIRPERSON AND MEMBER (A)

BLR