WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata - 700 091.

Present-

The Hon'ble Mrs. Urmita Datta (Sen), Member(J) & Hon'ble Sayeed Ahmed Baba, Member (A)

Case No - CCP-75 of 2012(OA-2561 of 2006)

Ashok Kumar Sain **VERSUS** – Mr. H.K. Dwibedi, Principal Secy., Finance Deptt.

Serial No. and Date of order

For the Applicants : Mr. G.P. Banerjee,

Mr. K. Bera,

Mrs. S. Agarwal Learned Advocates.

 $\frac{11}{23.02.2022}$

For the State Respondent : Mr. S.N. Roy,

Learned Advocate.

The counsel for the applicant has prayed for leave to add the new incumbent Mr. Vivek Kumar to the post of Additional Chief Secretary, A.R.D. Department as Contemnor No. 2 (a). Prayer is allowed. The counsel for the applicant is directed to serve copy of the petition to the newly added contemnor

The counsel for the respondent has filed compliance report. However, after going through it, we are not satisfied whether any pay fixation even after Hon'ble Apex Court's order, as they are claiming, has been issued or not. However, the counsel for the applicant has submitted that without considering his specific submission as has been recorded in their own order dated 30.07.2018, that he is not the member of Association.

It has been further submitted that without granting any benefit of MCAS/CAS, the contemnor has simply revived the last pay into the merger post of the Directorates. Therefore, according to the applicant, CAS and MCAS has not been granted to him by way of pay fixation (even after as per Hon'ble Apex Court's order).

The contemnor is directed to file compliance report by enclosing implementation of the order of this Tribunal dated 03.08.2011 passed in OA - 2561 of 2006. Let the matter be listed for orders on **27.04.2022**.

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Since the circumstances beyond control, the Registry is unable to furnish plain copies of this order to the learned advocates for the parties, the Registry is directed to upload this order on the website of the Tribunal forthwith and parties are directed to act on the copies of the order downloaded from the website.

SAYEED AHMED BABA MEMBER (A) URMITA DATTA (SEN) MEMBER (J)

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