

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Mrs. Urmita Datta (Sen), Officiating Chairperson and Member (J).

Case No. MA – 113 of 2021 (OA – 868 of 2021)

Bithin Das - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. For the Applicant : Mr. B. Bhushan,
and Advocate

Date of order

6

29.08.2022

For the State : Mr. S. N. Ray,
Respondents Advocate

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 536 – WBAT / 2J-15/2016 dated 26th August, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

It is noted that the O.A. has not been listed today. Therefore, the O.A. may be treated as Item No. 9(a) of the today's list.

During the course of the hearing both the M.A & O.A., the counsel for the applicant has submitted that this Tribunal vide their order dated 17.09.2014 passed O.A. No. 212 of 2014 had directed the Secretary, Women and Child Development and Social Welfare Department to pay salary and allowance to the petitioner in the pay scale for the post of C.D.P.O. with effect from the date he took charge of the said post of C.D.P.O. and subsequently vide order dated 27.10.2016 he was granted the said pay scale. Thereafter, though the applicant has become entitled to get CAS and MCAS benefit of 8 years and 16 years. In this regard, he has already made representation on 16.03.2021 to the Principal Secretary, Department of Women and Child Development and Social Welfare, however, till date his representation has not been considered by the respondent. Being aggrieved with, he has filed the instant O.A. and has

ORDER SHEET

Form No.

Bithin Das

Vs.

Case No. **MA – 113 of 2021 (OA – 868 of 2021)**

THE STATE OF WEST BENGAL & ORS.

filed the M.A. for condonation of delay in filing the O.A.

The counsel for the respondent has submitted that since his representation is still pending, he cannot approach this Tribunal at this stage as no adverse decision has been taken till date. Further it has been submitted that due to pandemic situation, he could not approach this Tribunal within stipulated period of time. Therefore, he has prayed for condonation of delay in filing the O.A.

During the course of the hearing, the counsel for the applicant has further submitted that it would suffice his purpose, if the authority would be directed to consider his representation for granting CAS benefit within stipulated period of time. The counsel for the respondent has no objection to such proposition.

Accordingly, delay is condoned. M.A. is allowed.

Therefore, The Principal Secretary is directed to consider the representation of the applicant and communicate his decision by way of a reasoned and speaking order within a period of eight weeks from the date of receipt of the order. Accordingly, both the O.A. and M.A. are disposed of with no order as to costs.

A.K.P.

URMITA DATTA (SEN)
Officiating Chairperson and Member (J)