

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

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

Case No. – MA-28 of 2020 (OA-124 of 2017)

Sunil Kanti Saha & Ors. **VERSUS** – The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant : Mrs. Sunita Agarwal,
Learned Advocate.

For the State : Mr. S.K. Mondal,
Respondents Learned Advocate.

08
22.6.2022

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 118-WBAT/1E-08/2003 (Pt.-II) dated 11th February, 2022 issued in exercise of the powers conferred under Section 6 (5) of the Administrative Tribunals Act, 1985.

The counsel for the applicant today has prayed for leave to make the correction in the typographical error in the cause title with regard to applicants Nos. 29 and 30.. Prayer is allowed. The applicant is directed to correct the names both in the Court's file and in the respondents file.

The instant MA has been filed praying for condonation of delay in filing the original application. As per the counsel for the applicants that applicants are retired from the post of Inspector from the Food & Supplied Department. It has been further submitted that some of the Inspectors of Food And Supplies Department had approached before this Tribunal, which was disposed of vide judgement dated 10.07.1997 granting them Scale No. 10, which was ultimately affirmed by the Hon'ble High Court and the Hon'ble Apex Court vide their order dated 18.303.2004 and the respondents had implemented that the said order vide order dated 08.03.2005. Subsequently another OA was filed by some of the Inspectors in OA 812 OF 2013 which was also disposed of vide order dated 13.07.2015 extending the benefit of Scale 10 to the similarly circumstanced Inspectors.

It has been further submitted since they are similarly circumstanced employees, being Inspector of Foods & Supplies Department, Respondents should extend the benefit of judgement of

ORDER SHEET

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1997 to all the Inspectors. Therefore, they have prayed for condonation of delay as their pay has not been properly fixed as per the Hon'ble Court's order. Accordingly, delay may be condoned.

After hearing the parties, delay is condoned. MA is allowed.

During the course of hearing, the counsel for the applicants has submitted that it would suffice their purpose if the respondent authority would consider their case treating the OA as their representation and to take appropriate steps in accordance with law within a stipulated period of time.

The counsel for the respondent has no objection to consider the case of the applicants subject to the verification of their entitlement and considering fact that the applicants have approached this Tribunal after a long time.

Heard the parties and perused the records. It is noted that earlier some Inspector of Foods & Supplies Department have approached this Tribunal and this Tribunal had directed the respondents to grant Scale No. 10. But in this case, the applicants had directly approached before this Tribunal without giving any representation before the respondent authority. Therefore, respondents are directed to consider the case of the applicants treating this OA as their representation and to verify their cases and take decision with regard to their claim and communicate their decision by way of passing a reasoned and speaking order within a period of three months from the date of receipt of the order. Accordingly, both the MA & OA are being disposed of with no order as to costs.

URMITA DATTA (SEN)
MEMBER (J)

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