

ORDER SHEET

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

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

Case No. – MA 68 of 2021 [OA 563 of 2021]

*Samir Kr. Ghosh* -- VERSUS – The State of West Bengal & Ors.

Serial No. and  
Date of order

For the Applicant : Ms. P. Banerjee,  
Learned Advocate.  
For the State Respondent : Mr. B.P. Roy,  
Learned Advocate.

03  
29.04.2022

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 11<sup>th</sup> February, 2022 issued in exercise of the powers conferred under Section 6(5) of the Administrative Tribunals Act, 1985.

Affidavit of service filed be kept on record.

The instant application has been filed praying for refixation of pay of the applicant vis-a-vis his junior Sri Gangaram Bhowmick, Constable, whose pay scale was fixed as more than the applicant (being senior to the said Gangaram Bhowmick). Therefore, he has prayed for pay protection by way of refixation of his pay since 2013.

However, during the course of the hearing, the counsel for the respondent has raised the objection on the ground that the applicant did not make any representation before the appropriate authority and has straightway approached this Tribunal. Therefore, it is a premature one.

In view of the above, the counsel for the applicant has submitted that she wants to withdraw both MA-68 of 2021 and OA-563 of 2021 with a liberty to file a detailed representation before the authority since the applicant is getting lesser pension till date.

Accordingly, both MA and OA are **dismissed as withdrawn**.

**URMITA DATTA (SEN)**  
**MEMBER (J)**

CSM/SS