

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present- *

The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson & Member (A)

Case No. – OA-271 of 2022

Harendra Prosad Maity -- VERSUS – The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant : Mr. S. Ghosh,
Ld. Advocate.

For the State Respondent : Mr. A.K. Das Sinha,
Ld. Advocate.

11
30.07.2024

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.

The prayer in this application relates to extending benefits of second higher scale of pay w.e.f. 09.11.2017 as per Modified Career Advancement Scheme (MCAS), 2001. In terms of a direction of this Tribunal in an earlier OA-400 of 2019, the respondent authority had passed his reasoned order on 13.03.2020. Argument of Mr. Ghosh, learned counsel for the applicant is that though the applicant was promoted to the post of Executive Engineer on 01.12.2016 but the financial benefit from such promotion by way of higher scale of pay was not awarded to the applicant.

Mr. Sinha, learned counsel appearing on behalf of the respondent authority draws attention to para 4 and para 7 of the same reasoned order and submits that the contention of the applicant's side is not correct and as is evident from these paras, the applicant was promoted and such promotional benefits were given to him.

After hearing the preliminary submissions of the learned counsels appearing for both the sides, it is the opinion of this Tribunal that this matter which involves various points of law and interpretation of various facts, it would be rather appropriate if it is placed before and heard by a Bench comprising two Members (Judicial and Administrative). Mr. Ghosh and Mr. Sinha, the learned counsels representing both the sides also agree to this opinion.

In view of the above observations, let this matter be placed before a Bench comprising two Members (Judicial and Administrative) under the heading "**Hearing**" on **15.01.2025**.

CSM/SS

SAYEED AHMED BABA
Officiating Chairperson & Member (A)