

**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. OA – 276 of 2022**

**Milan Tamang - VERSUS - THE STATE OF WEST BENGAL & ORS.**

Serial No.  
and  
Date of order  
8  
17.11.2022

For the Applicant : Mrs S. Samanta,  
Mr. P.K. Mandal,  
Ms. B. Samanta,  
Advocates

For the State Respondents : Mr. D. Koley,  
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 26<sup>th</sup> August, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

Today the counsel for both the parties have drawn my attention to the order dated 27.09.2022, wherein there is some inadvertent typographical mistake as well as both the counsels prayed for prayers of the instant application, which is as follows:

**“a) DIIRECTION do issue directing the respondent authorities to grant the applicant the benefits of appropriate fixation of pay, career advancement scheme and promotion with all pecuniary benefits arising therefrom and thereupon the benefit of being disbursed pensionary benefits with all consequential benefits along with interest at the rate of 18% per annum on all such arrear accumulations and further to command them to act and proceed strictly in**

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accordance with law;

**b) DIRECTION do issue directing the respondent authorities to fix responsibility upon the officers of the Education Department/Directorate of West Bengal responsible for the predicament of the applicant, District Officer for Physical Education & Youth Welfare in the WBES, in regard to non-updating of his service book, non-fixation of his pay, non-grant of career advancement scheme and non-grant of promotion, and thereafter non-disbursement of his pensionary benefits and even provisional pension and thereupon pass appropriate and necessary orders as may commence to this Learned Tribunal;**

**c) DIRECTION in the nature of certiorari do issue upon the respondent authorities directing them to produce and / or cause to be produced the entire records of the case and thereupon to pass necessary orders for rendering conscionable justice;**

**d) Costs and costs incidental hereto;**

**e) And / or to pass such other or further order or orders as to your Lordships may deem fit and proper.”**

It has been submitted by the counsels that inadvertently in the order dated 27.09.2022; O.A. No. has been typed 278 of 2022 instead of 276 of 2022. It has

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been further submitted that the O.A. would not be dismissed as other prayers are still there. The counsel for the applicant has submitted that due to non-availability of Service Book, his pay was not fixed. Therefore, he had initially asked for fixation for pay as well as other promotions. As in the mean time he retired and no disciplinary proceeding or criminal proceeding were pending against him, pensionary benefit can be granted to him. Therefore, both the parties have submitted that the O.A. may be revived with a direction to file a reply with regard to the pay fixation and promotion, however, the pensionary benefit has already been allowed vide order dated 27.09.2022.

Heard the parties and perused the records. In view of the above, the O.A. No. typed in order dated 27.09.2022 be rectified as O.A. No. 276 of 2022 in place of O.A. No. 278 of 2022. The order dated 27.09.2022 stands corrected to the effect by directing the respondents to file reply with regard to the rest of the prayer of the application. However, making payment and pensionary benefit as per the last pay drawn would remain same.

The respondents are directed to file reply by four weeks and rejoinder, if any, by two weeks thereafter. Let the matter be listed for completion of pleadings before the Registrar Bench on **04.01.2023**.

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

A.K.P.