

ORDER SHEET

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

**The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson and Administrative Member**

**Case No. –OA 331 OF 2024**

**TAPAN KUMAR DAS - VERSUS - THE STATE OF WEST BENGAL & ORS.**

Serial No. For the Applicant : Mr. Gautam Pathak Banerjee,  
and Miss. A.P. Banerjee,  
Date of Learned Advocates  
order

3 For the State Respondents : Mrs. Saswati Bandyopadhyay,  
05.03.2025 Learned Advocate

For the Principal Accountant : Mr. Biswanath Mitra,  
General (A&E), West Bengal Departmental Representative

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 23<sup>rd</sup> November, 2022 issued in exercise of the powers conferred under section 5(6) of the Administrative Tribunals Act, 1985.

By filing this application, the applicant has prayed for setting aside/quashing the views of the Finance Department, West Bengal, as per Memo No. 286/3E/II/16/2011 dated 14.6.2024, issued by the Director of Agriculture.

The wordings of the impugned memo is as under :-

*“...The date of submission of his prayer for stepping up of pay, Shri Tapan Kumar Das was not in service his prayer cannot be considered as on the date of his prayer for stepping up of pay he lost the status of Government employee and, therefore, he was not in a position to get the benefit of the provision of rule 55(4) of W.B.S.R. Part-I...”*

As recorded above, it is not clear at all to the Tribunal as to why the prayer of the applicant was not considered. It does not seem logical and tenable that the Finance Department had taken the ground of the applicant “not in service” for rejecting his prayer. The Tribunal is not aware that any service Rule exist by which a retired employee cannot furnish a representation praying for re-fixation of his pay after coming to know that the pay of his junior has been fixed higher than him.

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**Vs.**  
**THE STATE OF WEST BENGAL & ORS.**

Let a detailed reply be filed by the respondent No.2, the Additional Chief Secretary, Finance Department. Let such reply be filed and copy be served upon the other side.

Matter to appear under the heading "Hearing" on 21.05.2025.

SCN.

(SAYEED AHMED BABA)  
OFFICIATING CHAIRPERSON  
and MEMBER (A)

WEST BENGAL ADMINISTRATIVE TRIBUNAL