

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. OA – 673 of 2019**

**Sontosh Kumar Sarkar - VERSUS - THE STATE OF WEST BENGAL & ORS.**

Serial No. For the Applicant : Mr. S. Ghosh,  
and Advocate  
Date of order  
6  
11.07.2022 For the State : Mr. G.P. Banerjee,  
Respondents Mr. B.P. Roy,  
Advocates

For Pr. A.G. (A & E),  
West Bengal : Mr. B. Mitra,  
Departmental Representative

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 354 – WBAT / 2J-15/2016 dated 18<sup>th</sup> May, 2022 issued in exercise of the powers conferred under Section 6(5) of the Administrative Tribunals Act, 1985.

The instant application has been filed basically praying for stepping of pay of the applicant as per his junior Shri Pranbandhu Goswami. It has been admitted by both the parties by filing the following chart:

<b>Ex – Sub – Inspector (UB) Santosh Kumar Sarkar, Applicant</b>	<b>Ex – Sub – Inspector (UB) Pranbhadhu Goswami, Proforma Respondent No. 09</b>
Date of appointment as Constable: 25.02.1976	Date of appointment as Constable: 07.07.1977
Date of 10 (ten) years CAS benefit w.e.f. 01.04.1991	Date of 10 (ten) years CAS benefit w.e.f. 01.04.1991
Date of promotion as A S I on 12.12.1992	Date of promotion as A S I on 12.12.1992
Date of promotion as S I on 23.11.2000.	Date of 25 (twenty five) years CAS benefit on 02.04.2003
He completed 25 (twenty five) years	Date of promotion as S.I. on

**ORDER SHEET**

Form No.

**Sontosh Kumar Sarkar**

Vs.

Case No. **OA – 673 of 2019**

THE STATE OF WEST BENGAL & ORS.

---

C A S in the year 2001, i.e., on 25.12.2001. But as he has already enjoyed higher scale on 23.11.2000, he didn't have entitlement to get the 25 (twenty five) years C A S benefit.	23.11.2003
--	------------

During the course of the hearing, the counsel for the applicant has drawn my attention to the afore-mentioned chart submitted by the respondent authority, wherefrom it would be clear that the applicant was senior to the private respondent. Further he was promoted to the post of S.I. on 23.11.2000 and retired on 30<sup>th</sup> January, 2014 as S.I., whereas the private respondent was promoted to the post of S.I. of 23.11.2003 and was retired from service as S.I. on 31.05.2012. However, the pay of the applicant was fixed at Rs. 5775/- with effect from 01.04.2005, whereas the pay of the private respondent was fixed as 5950/- with effect from 02.04.2004. Therefore, according to the counsel for the applicant, the applicant was getting lesser pay than his junior. Therefore, the applicant is entitled to get stepping of pay at par with his junior from the respective date. The counsel for the applicant has further submitted that even he made detailed representations in this regard to the authority vide letter dated 23.10.2017 then 24.04.2019. However, till date no benefit has been granted to the applicant.

The counsel for the respondent has admitted that the applicant is senior to the private respondent. However, they have no objection to consider the case of the applicant as per Rules.

I have heard both the parties and perused the records. It is an admitted fact that the applicant is senior to the private respondent. However, his pay has been

**ORDER SHEET**

Form No.

**Sontosh Kumar Sarkar**

**Vs.**

Case No. **OA – 673 of 2019**

THE STATE OF WEST BENGAL & ORS.

---

fixed in lower pay than his junior. Therefore, he is entitled to get the benefit of stepping of pay in the light of the Memorandum dated 27<sup>th</sup> January, 1994. Therefore, Respondent No. 4 is directed to take the final decision as per the observation as well as circulars of the department by disposing of his representation and communicate the same with follow up action, if any, within a period of eight weeks from the date of receipt of the order. Accordingly, the O.A. is disposed of. Respondent authorities are also directed to take appropriate follow up action with regard to proper fixation of his pension and pensionary benefit within aforementioned period.

URMITA DATTA (SEN)  
MEMBER (J)

A.K.P.