

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

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

Case No. OA – 855 of 2021

Suparna Chakraborty - VERSUS - THE STATE OF WEST BENGAL & ORS.

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|------------------------------------|---------------------|--------------------------------|
| Serial No. and Date of order | For the Applicant | : Mrs. S. Agarwal, Advocate |
| <u>3</u> 28.04.2022 | For the Respondents | : Mr. S. N. Ray, Advocate |

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

With the consent of both the parties, the matter has been taken up for hearing.

The instant application has been filed basically praying for a direction to the respondents to extend the benefit of Scale No. 10 instead of Scale No. 9 by way of extending the benefit of payment passed in W.P.S.T. No. 147/2009 with C.A.N. 4633/2016 arising out of O.A. No. 1646/1998 and subsequently the State Government moved before the Hon'ble Apex Court. The Apex Court had affirmed the order of the Hon'ble High Court by their order dated 05.02.2018 passed in S.L.P. No. 40494 of 2017 and subsequently the State respondent had extended the benefit of payment to all the petitioners of that application. As per the applicant, she is similarly circumstanced with the petitioner of the aforementioned judgement and she also made representation before the authority for granting extension of the aforesaid judgement. Therefore, the counsel for the applicant has fairly submitted that it would suffice her purpose if the respondent authority would be directed to consider the case of the applicant in the light of the afore-mentioned judgement treating this O.A. as a part of it and extend the

ORDER SHEET

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benefit of the same.

However, the counsel for the respondent has submitted that the applicant was not the party to the aforesaid application and is a fence sitter who has approached this Tribunal in 2020. However, he has no objection to consider the case of the applicant as per Rules and Law.

In view of the above, the respondent no. 2 is directed to consider the case of the applicant treating this O.A. as a part of her representation dated 11.03.2021 in the light of the judgement passed in W.P.S.T. No. 147/2009 dated 11.08.2016 and to take decision by way of speaking and reasoned order and actual who is eligible for the same. If she would be found eligible for extension of benefit of the said judgement may be taken for making payment for the same within a period of three months from the date of receipt of the order. Accordingly, the O.A. is disposed of with no order as to cost.

URMITA DATTA (SEN)
MEMBER (J)

A.K.P.