

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

Mr. Sayeed Ahmed Baba, Officiating Chairperson and Hon'ble Member (A).

Case No. – OA 03 of 2022.

KAMALENDU BANERJEE - VERSUS- THE STATE OF WEST BENGAL & ORS.

Serial No. and
Date of order

15
04.4.2024

For the Applicant : Mr. D. Paul,
Advocate.

For the State Respondents : Mr. S. Ghosh,
Advocate.

For the Principal Accountant General : Mr. B. Mitra,
(A & E) W.B. 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 23rd November, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

On consent of the learned counsel for the contesting parties, the case is taken up for consideration sitting singly.

The prayer in this application is for quashing the memo No. Pen. XIII/CH-5/P/15/10/120344/1015056271/P/15/10/65726 dated 11.03.2015 which has been marked as annexure “F” in the original application and to release the monthly pension payable to the applicant being R. 11,315/- with all dues as reflected in the relief sought for by the applicant in the original application.

The facts of the case is that the applicant was an employee in the West Bengal Directorate of Fire and Emergency services as a Lower Division Assistant. The applicant was promoted to the post of Upper Division Clerk of Grade Pay Rs.3600/- on 31.8.2000 vide E.O. no.434/2000. Then on 29.7.2009 the applicant was promoted to the post of Head Clerk cum Accountant (HCCA) on 29.7.2009 vide E.O. No. 1724/09 dated 29.7.2009 with grade pay of Rs. 3650/- as reflected in the original application. The applicant from 09.02.2012 had been performing the duties of Head Clerk at Divisional Office “G” and the applicant reached the age of superannuation on 31.01.2015.

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-Vs-

THE STATE OF WEST BENGAL & ORS.

The prayer in this application for release of pension was referred to the Finance Department by the Administrative Department. Today, a copy of the Finance Department's observation has been filed by the learned counsel for the State respondents which after citing the relevant rules have regretted the fixation of promotion pay benefit to the applicant. Let it be kept on record. The relevant portion of observation of Finance Department, Group-P1 is as follows :-

"...The administrative department may be informed that A.G. (A & E) , WB , vide their communications dated 11.03.2015 & 18.11.2015 has rightly pointed out the fact that no promotional pay fixation benefit could be allowed to Shri Banerjee for his promotion to the post of HC w.e.f. 01.12.2008 from the post of HCCA as the scale of pay i.e. Rs. 4000-8850/- with H.I. Rs. 4550/- (revised level-9A) attached to the post of HCCA has already been upgraded to Rs. 4500-9700/- (revised level 10) notionally w.e.f. 01.01.1996 with actual effect from 01.08.2008 in the meanwhile in terms of FD Memo No. 1683-F dated 23.02.2009 making the scale of pay of the feeder post and its promotion post identical, for which no pay fixation benefit is admissible as per rules for promotion to the post of HC from the post of HCCA.

Administrative Department may be informed accordingly for taking further necessary action.....".

In view of above findings made by the Finance Department, Group-P1, the Tribunal finds the prayer of the applicant to be infructuous and therefore, it is disposed of without passing any order.

(SAYEED AHMED BABA)
Officiating Chairperson and Member (A).

Sk.