

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

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

Case No. – OA 1005 of 2016

Laxmi Narayan Kora & Ors. - **VERSUS** - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicants	: Mr. A. Debnath, Mr. S. Saha, Ld. Advs.
<u>15</u> 10.02.2021	For the State Respondent	: Mr. G.P. Banerjee, Ld. Adv.

The matter is taken up by the Single Bench pursuant to the Notification No. 949-WBAT/2J-15/2016 dated 24th December, 2020, issued in exercise of the powers conferred under sub section (6) of Section 5 of the Administrative Tribunals Act, 1985.

The instant application has been filed praying for following reliefs :

“(a) To pass an order directing the respondents to re-call, rescind, cancel, withdraw the impugned order passed in Memo. No. 221-F(P) dated Howrah, the 14th January, 2016 as well as the communication notice issued in Memo. No. 969/EST/LC dated 19.09.2016 and finally fix the pay scale of applicants under Scale No. 6 in terms of Government Circular issued in Memo. No. 7488-F dated Cal. The 25th July, 1990 and Memo. No. 2086 dated Cal. 10th August, 1990 and going on payment of the same.

(b) To pass an order directing the respondents to act as per prayer of the applicants having free from any extraneous influences and thus fix the pay scale of applicants under Scale No. 6 and going on payment of the same to the applicants.

(c) Any order or further order or orders, direction or directions as this Hon'ble Tribunal may deem fit and proper.”

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As per the applicants, the Additional Labour Commissioner, West Bengal vide his Memo. No. 969/EST/LC dated 19.09.2016 had passed the following order :

“Now, comprising both the ‘verdict’ of the Hon’ble High Court, Calcutta and the ‘Report’ of the ‘Anomaly Committee’, Finance Department, it is requested to the concerned D.D.Os of those 66 petitioners to take necessary steps, in fixing their salary (for those who are still in service) or pensionary benefits (for pension or family pension holders) accordingly, w.e.f. the 1st October, 2016, as paid to the other Group-D employees of similar category and also to inform those 66 P.C.P.Ss accordingly”.

Therefore, the counsel for the applicant has submitted that as per Memo. of the Addl. Labour Commissioner, West Bengal dated 19.09.2016 out of 66 P.C.P.Ss, 61 persons were granted the aforesaid benefit. However, 5 applicants have not been granted the benefit. Therefore, he has prayed that it would suffice their purpose if the respondent no. 2 is directed to revisit the case of the applicants in the light of the Memo. dated 19.09.2016 passed by the Addl. Labour Commissioner, West Bengal taking into account the Appeal no. FMA-2744 of 2002 (earlier FMAT 2377 of 1989) within a stipulated period of time and take follow up action.

The counsel for the respondents has no such objection to reconsider the case of the applicants.

In view of the above, the respondent no. 2 is directed to revisit the case of the applicants taking into account the Memo. dated 19.09.2016 passed by the Addl. Labour Commissioner, West Bengal as well as order passed by the Hon’ble High Court dated 30.10.2014 in FMA-2744 of 2002 (earlier

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FMAT 2377 of 1989) arising out of C.O. No. 9183 of 1988, in the matter of Stat of West Bengal and Others v. Laxmi Narayan Kora & others and to communicate the decision by way of reasoned and speaking order to the applicants and to take follow up action, if required. The entire process should be completed within a period of 4 (four) months from the date of receipt of the order.

Accordingly, the OA is disposed of.

The parties are directed to act upon the Website copy.

Mrs. URMITA DATTA (SEN)
MEMBER (J)

HS/SS