

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

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

Case No. OA – 1031 of 2018

Ekramul Haque - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	: Mr. A. Roy, Advocate
<u>12</u> 14.07.2022	For the State Respondents	: Mr. M.N. Roy, Advocate

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 354 – WBAT / 2J-15/2016 dated 18th 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 pay protection under Rule 55(4) of the WBSR, Part – I as his junior Sri Probir Kumar Batabyal was getting higher pay than him. In this regard, he made representation dated 29.07.2013 to the Secretary, Govt. of West Bengal, Department of Civil Defence followed by representations dated 25.01.2017 and Demand Justice letter dated 04.09.2018. However, till date, neither his representation has been considered nor his pay has been enhanced at par with his junior. It has been further submitted that in the meantime, some similarly circumstanced employee, who were senior to said Probir Kumar Batabyal, were granted pay protection vide order dated 05.08.2015 & 19.07.2016 (Annexure 'E'). During course of the hearing, the counsel for the applicant has submitted that it would suffice his purpose, if the Secretary, Civil Defence Department be directed to consider his representation treating this O.A. as a part of it and enhance his pay at par with his junior as well as pensionary benefit thereof within a stipulated period of time.

The counsel for the respondent has submitted that respondent has no

ORDER SHEET

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objection to consider the case of the applicant subject to the verification of the fact whether he is actually senior to the said Probir Kumar Batabyal.

In view of the above, the Secretary, Civil Defence is directed to consider the representation of the applicant treating this O.A. as a part of it and to take decision by verifying whether the applicant is actually senior to the said Probir Kumar Batabyal or not and to communicate his decision with follow up action within a period of twelve weeks from the date of receipt of the order. Accordingly, the O.A. is disposed of with no order as to costs.

**URMITA DATTA (SEN)
MEMBER (J)**

A.K.P.