

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

THE HON'BLE SAYEED AHMED BABA, OFFICIATING CHAIRPERSON AND ADMINISTRATIVE MEMBER,

Case No. – OA 11 OF 2023

SUJIT PATRA & OTHERS - Vs - THE STATE OF WEST BENGAL & OTHERS.

Serial No. and
Date of order

04
04.08.2023

For the Applicants : Ms. K.Chakraborty
Advocates
For the State Respondents : Mr. Soumendra Narayan Ray
Advocate

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 counsels for the contesting parties, the case is taken up for consideration sitting singly.

The prayer in this application is for a direction to the respondent authorities to extend the same benefits of Dearness Allowance and House Rent Allowance as was given earlier to the Male / Lady Constables of West Bengal Police appointed on the basis of Notification dated 26.03.2013. The present applicants are Excise Constables (Male / Female) appointed in the year 2014.

Mr.S.N.Ray, learned counsel for the State respondents refers to page 255 of this application which appears to be a Notification governing the pay and allowance for Group-C during the probation period, in particular para 8 is referred to which states that "*During the period of probation only the entry point pay i.e. Basic Pay plus Grade Pay of the concerned Group-C posts or service or cadre or category shall be allowed with annual increment @ 3% per annum and medical allowance, if any.*"

Ms.K.Chakraborty, learned counsel for the applicants submits that similarly circumstanced Constables of West Bengal Police have been given their Dearness Allowance and House Rent Allowance while undergoing training as probationers. Since the present applicants as Excise Constables are also similarly circumstanced, therefore, a direction may be given to the respondents to sanction their Dearness Allowance and House Rent Allowances when they were probationers in the year 2014.

Ms.Chakraborty, further submits that by a direction of this Tribunal in OA-92 of 2015 in which a direction was given in respect of Lower Division Clerks in the following words:

“We accordingly restrain the State Respondents from fixing salary of the Applicants on terms of Rule 8 of West Bengal Service (Appointment, Probation and Absorption of Group C Employees) Rules, 2013 and direct that they be allowed to draw full pay and all other allowances such as Dearness Allowance, House Rent Allowance etc, which would have been admissible to them had they appointed prior to the date of coming into force of the APA Rules, 2013. Fixation of pay in terms of this direction shall be completed within a period 6 (six) weeks from the date of communication of this Judgement and arrears of pay and allowances accruing from such fixation should be paid within 12 (twelve) weeks thereafter.”

Ms.Chakraborty, prays for accommodation to file copies of orders passed by the respondents awarding benefits of Dearness Allowance and House Rent Allowance to Excise Constables and West Bengal Police

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Constables by the next date.

Let the matter appear under the heading "Admission Hearing" on
25th September, 2023.

(SAYEED AHMED BABA)
OFFICIATING CHAIRPERSON AND MEMBER (A)

BLR