

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Mrs. Urmita Datta (Sen), Member (J),
The Hon'ble Sayeed Ahmed Baba, Member (A)

Case No. OA – 144 of 2019

Biswanath Chattopadhyay & Others - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order <u>12</u> 06.01.2022	For the Applicants	: Mr. S. Bhattacharjee, Advocates.
	For the Respondents	: Mr. M.N. Roy, Advocate

The instant application has been filed basically praying for a direction upon the respondents to re-fix the scale of pay of the applicants in accordance with the Memorandum dated 09.11.1995 dated 24.11.1997.

The instant application has been filed praying for following reliefs:

- “a) Directing the respondent authorities to comply with the order of this Hon'ble Tribunal dated 30.06.2015 passed in O.A. No. 534 of 2015 relating to revision of retirement benefits and pension of the applicants on the basis of the new pay scale fixed in compliance with the Hon'ble Tribunal's order;**
- b) Respondent authorities may be directed to revise the retirement benefit of the applicants with effect from the date of their retirement along with the Pension in terms of the order of this Learned Tribunal dated 30.06.2015 passed in O.A. No. 534 of 2015 (Biswanath Chattopadhyay & Ors. –vs- The State of West Bengal & Ors.) and to also release the arrear after revise retirement benefit;**
- c) Directing the respondent authorities to pay interest @ 8% in favour of the applicants for delayed payments of retirement benefit from the date of their**

Form No.

Biswanath Chattopadhyay & Others

Vs.

Case No. **OA – 144 of 2019**

THE STATE OF WEST BENGAL & ORS.

retirement till the date of disbursement of the said amount;

d) Pass such other or further order or orders and/or direction or directions as Your Honour may deem fit and proper.”

As per the applicants, they had approached earlier before this Tribunal in O.A.No. 534 of 2015 (Biswanath Chattopadhyay & Ors –vs- State of West Bengal and Ors) basically praying for benefit in terms of the Apex Court’s judgement reported in (2013) 4 SCC 152. This Tribunal vide order dated 30.06.2015 had directed the Secretary, Women & Child Development and Social Welfare Department to pay salary and allowances to the petitioners in the pay scale of CDPO with effect from the date he took charge of the said post of CDPO with further direction to complete the exercise within six weeks. It was further directed to pay the admissible arrears and retirement benefits to be revised and paid, accordingly, within six weeks thereafter. However, though the respondent had partially complied with the said order by paying salary after re-fixing the pay scale. However, such enhancement of pay scale has not been reflected in their pension by further re-fixing the same. Since the applicants were waiting for compliance of entire order and the respondent have not complied with the said order, the applicant had approached this Tribunal in the present application praying for the implementation of their earlier order dated 30.06.2015. After filing the instant application, the respondent had approached the Hon’ble High Court in W.P.S.T. No. 76 of 2019 challenging the order dated 30.06.2015, which was dismissed by the Hon’ble High Court, Calcutta by their order dated 05.08.2019. However, the respondent thereafter did not preferred any appeal before the Hon’ble Apex Court. According to the applicant, since the order of this Tribunal dated 30.06.2015 has attend finality, therefore, the respondent be directed to implement the order dated 30.06.2015 by way of re-

ORDER SHEET

Form No.

Biswanath Chattopadhyay & Others

Vs.

Case No. **OA – 144 of 2019**

THE STATE OF WEST BENGAL & ORS.

fixing the entire retiral benefit except G.P.F. and G.I.S.

The counsel for the respondent has admitted the aforesaid facts that the Hon'ble High Court had dismissed the W.P.S.T. No. 76 of 2019. He has no instruction with regard to filing of S.L.P. against the said order.

In view of the above, the respondent No. 1, Secretary, Department of Women Development and Social Welfare is directed to implement the order dated 30.06.2015 by way of re-fixing the pension and pensionary benefit and to pay the said 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.

Since for circumstances beyond control, the Registry is unable to furnish plain copies of this order to the learned advocates for the parties, the Registry is directed to upload this order on the website of the Tribunal forthwith and parties are directed to act on the copies of the order downloaded from the website.

SAYEED AHMED BABA
MEMBER(A)

URMITA DATTA (SEN)
MEMBER (J)

A.K.P.