

**ORDER SHEET**  
**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

**Present-**

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

**Case No. – OA 197 of 2021**

**MRITIUN JOY MUKHI - VERSUS - THE STATE OF WEST BENGAL & ORS.**

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| Serial No. and<br>Date of order | For the Applicant         | : Mr. M.N. Roy &<br>Mr. G. Halder<br>Advocates |
| <u>03</u><br>12.08.2021         | For the State respondents | : Mr. S.N. Dey<br>Advocate                     |

The matter is taken up by the single Bench pursuant to the Notification No.949-WBAT/2J-15/2016 dated 24<sup>th</sup> December, 2020 and 456-WBAT/2J-15/2016 dated 16<sup>th</sup> July, 2021 issued in exercise of the powers conferred under sub-Section (6) of Section 5 of the Administrative Tribunals Act, 1985.

The Counsel for the Applicant today has prayed for leave to add Additional Chief Secretary, Department of Irrigation & Waterways as a party as Respondent No. 2. Prayer is allowed.

As per the Applicant, by order dated 04.10.2016, he was promoted along with others to the post of Zilladar in the Pay Band-2 of Rs.5,400-25,200/- with Grade Pay of Rs.2,900/- w.e.f. 01.01.2016(Annexure-E). However, as per the Applicant, he is entitled to get Pay Band-3 of Rs.7,100-37,600/- with Grade Pay of Rs.3,600/-. In the mean time, some similarly situated persons approached the Tribunal in OA-616 of 2012(Suman Sarkar –Vs-State of West Bengal & Ors.) order dated 09.10.2012 and OA 1227 of 2013 dated 08.04.2014(Md. Salauddin Jamadar-Vs-The State of West Bengal & Ors.) whereby this Tribunal had directed to grant benefits including payment of arrear. Subsequently, the Applicant of those applications got the said benefit. The present Applicant has also made a representation to the Director of Personnel & Ex-Officio Chief Engineer, Irrigation & Waterways Directorate on 20.12.2018 through proper channel, which was forwarded by the Revenue Officer, Kangsabati Revenue Division No.1 vide letter dated 02.01.2019 to the Superintending Engineer, Kangsabati Circle-II who had forwarded the same to the Director of

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Personnel & Ex-Officio Chief Engineer, Irrigation & Waterways Directorate for his consideration. However, till date no decision has been communicated to him. Since ultimately the Secretary of the concerned Department has to take final decision. Therefore, the Counsel for the Applicant has submitted that it would suffice the purpose of the Applicant if the newly added respondent No. 2 be directed to take final decision with regard to the representation of the Applicant with follow-up action by the Department within a stipulated period of time.

The Counsel for the Respondent has no objection for such consideration by the Respondent No. 2.

In view of the above, the Respondent no. 2, i.e. Additional Chief Secretary, Irrigation & Waterways Directorate is directed to consider the case of the Applicant and to take final decision and communicate the same by way of a reasoned and speaking order treating this OA as part of his representation within a period of 3(three) months from the date of receipt of the order.

The Applicant is also directed to serve copy of this OA to the Respondent No. 2 along with this order.

Accordingly, the OA is disposed of with no order as to cost.

Both the parties are directed to act upon the Website copy of the order.

Urmita Datta(Sen)  
Member(J)