

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

**HON'BLE JUSTICE SOUMITRA PAL,
HON'BLE SAYEED AHMED BABA,**

**HON'BLE CHAIRMAN &
ADMINISTRATIVE MEMBER.**

Case No. – OA 200 of 2021.

SRI SUBRATA KUMAR SEN -VERSUS- THE STATE OF WEST BENGAL & ORS.

Serial No. and
Date of order

For the Applicant

: Mr. M.N. Roy,
Mrs. S. Agarwal,
Mr. S. Bhattacharjee,
Advocates.

7
3.12.2021.

For the State
Respondents

: Mr. S. Ghosh,
Advocates.

Mr. M.N. Roy, learned advocate appearing for the applicant referring to the Memo dated 11th March, 2020 submits that since the applicant was given fixation benefit for completion of ten years of service with effect from 11th April, 2002 and sixteen years with effect from 10th April, 2010 and had completed twenty-five years of service on 10th April, 2019 and was eligible for fixation of pay, Grade pay for completion of twenty-five years with effect from 1st July, 2019 as per option and as CAS was issued to the applicant on 30th September, 2019 when his right for twenty-five years benefit had already accrued and the issue is governed by the law laid down in the judgement in Union of India –Vs- Anil Kumar Sarkar : (2013) 4 SCC 16, particularly in paragraphs 21,22 to 23 thereof, the applicant is entitled to relief as prayed for.

Mr. S. Ghosh, submits that since the instant case in hand relates to grant of CAS, the principles of law laid down in Union of India – vs- Anil Kumar Sarkar (supra) which relates to grant of promotion are not applicable, to which Mr. Roy submits that CAS is granted in lieu of promotion.

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Vs.

THE STATE OF WEST BENGAL & ORS.

Mr. Ghosh prays for time. Let the matter appear under the heading "For Orders" on 20th December, 2021.

(SAYEED AHMED BABA)
MEMBER (A).

(SOUMITRA PAL)
CHAIRMAN.

Skg.

WEST BENGAL ADMINISTRATIVE TRIBUNAL