

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

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

**Case No. - OA 216 of 2018**

Kaji Soharab Hossain & Ors. - **VERSUS** - THE STATE OF WEST BENGAL & ORS.

Serial No.	For the Applicants	: Mr. M.N. Roy,
and		Mr. G. Halder,
Date of order		Ld. Advocates.
<u>11</u>	For the State Respondent	: Mr. G.P. Banerjee,
27.01.2021		Ld. 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, issued in exercise of the powers conferred under sub section (6) of Section 5 of the Administrative Tribunals Act, 1985.

With the consent of both the parties, the matter is heard. As per the applicants, they were selected vide Memo. dated 28.01.2013 and 01.02.2013 in pursuance of the Department of Correctional & Administration Memo. However, they joined to the post of Warder on different dates. In the meantime, Notification No. 1832-F(P) dated 01.03.2013 was issued by the Finance Department. As per the aforesaid Notification, those who were appointed on 01.03.2013 or thereafter, they would not get DA and HRA (Annexure-C). Since the applicants were initially selected before the date of 01.03.2013 and joined on different dates after 01.03.2013, they were not allowed DA and HRA.

In the meantime, some similarly circumstanced employee had approached this Tribunal in OA-1152 to OA-1155 of 2014 (Dipak Pal & Others v. State of West Bengal & Others), wherein this Tribunal vide its order dated 24.06.2016 had held that as the selection process was completed before 01.03.2013 and some candidates had already joined prior to 01.03.2013 but some candidates had joined after 01.03.2013, therefore, there should not be any discrimination for the similarly circumstanced employee. The Counsel for the applicant, during the course of the hearing, has prayed for extension of benefit of

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that judgement and also submitted that it would suffice their purpose if the respondent No. 1 would be directed to consider their case in the light of this aforementioned judgment and extend the benefit of judgment in their favour within a stipulated period of time.

The respondent has no objection for such consideration subject to the verification of the particulars of the applicants.

In view of the above, the respondent no. 1 is directed to consider the case of the applicants in the light of the judgment dated 24.06.2016 passed in OA-1152 to OA-1155 of 2014 (Dipak Pal & Others v. State of West Bengal & Others) and to pass a reasoned and speaking order within a period of 3 (three) months from the date of receipt of the order and communicate the same to the applicants within a period 3 (three) months. Further, if the applicants would be found eligible for the same benefit, they may be extended the said benefit immediately thereafter.

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

The parties are directed to act upon the Website copy.

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Mrs. URMITA DATTA (SEN)  
MEMBER (J)