

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson & Member (A)

Case No. – OA 254 of 2023

Aloke Kumar Bhattacharyya -- VERSUS – The State of West Bengal & Ors.

Serial No. and Date of order	For the Applicant	: Mr. D. Saha, Ld. Advocate.
	For the State respondent	: Mr. G.P. Banerjee, Ld. Advocate.
<u>02</u> 21.08.2023	For the Pr.AG (A&E), WB	: Mr. B. Mitra, Departmental Representative.

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 grant Scale No. 10 under ROPA, 1990 to the applicant. In this regard, the applicant has furnished a representation before the respondent, the Secretary, Food and Supplies Department, Government of West Bengal.

The applicant retired in the year 2017 as Chief Inspector, Food and Supplies Department. In this regard, the applicant had submitted his representation before the respondent authorities, Mr. Banerjee, learned counsel opposes admission of this application on the ground of limitation. Submission of Mr. Banerjee is that if any direction is given to the respondent authorities, the judgment arising out of Tarsem Singh reported in 2008 8 SCC 648 be mentioned. In response, Mr. Saha, learned counsel for the applicant submits that matters of similarly circumstanced superannuated employees of the same Department have been earlier considered by this Tribunal and suitable directions passed.

The Tribunal has observed similarly circumstanced employees of the Department had approached the Tribunal and directions were issued to consider their representations. Three such applications have been brought to the notice of this Tribunal, OA 746 of 2022, OA 596 of 2022 and OA 640 of 2016. In view of the representations filed by this applicant before the Principal

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Secretary and Commissioner of Food on 06.02.2023, this application is disposed of by directing the Respondent No. 1, Principal Secretary, Department of Food and Supplies to consider his representation relating to grant of Scale No. 10 under ROPA Rules, 1990 within 3 (three) months from the date of communication of this order as per his entitlement and rules.

SAYEED AHMED BABA
Officiating Chairperson & Member (A)

CSM/SS