

**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 26 of 2020**

**Pradip Kumar Bargi -- VERSUS – The State of West Bengal & Ors.**

Serial No. and  
Date of order

For the Applicant : Mr. N. Ganguly,  
Ld. Advocate.

For the State Respondents : Mr. G.P. Banerjee,  
Ld. Advocate.

14  
13.01.2025

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 23<sup>rd</sup> November, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

The applicant has filed this application praying for a direction to the respondent authorities to fix scale of pay of the applicant at par with Mr. Rabindranath Biswas. The applicant also prays for a direction to pay the scale of pay of the Chief Mining Officer during the period from 01.09.2007 to 04.01.2012.

From the submissions and the records in this application, it has become apparent that during the period from 01.09.2007 to 04.01.2012, the applicant was officiating in the post of Chief Mining Officer. The substantive post, the applicant held was that of a Mining Officer.

Mr. Ganguly relies on a judgement of Hon'ble Supreme Court in AIR 1999 SC 838 and submits that an employee officiating in a higher post deserves to be paid the pay of that higher post. In this case, the applicant, though was officiating as Chief Mining Officer but he continued to be paid only the pay of a Mining Officer. Elsewhere in the application, the applicant also states that though he was granted promotion to the post of Chief Mining Officer on and from 05.01.2012 but the scale of pay had not been changed. In support of another argument, attention is drawn to an order of this Tribunal in OA 1133 of 2014 in the matter of Rabindranath Biswas v. The State of West Bengal & Others. Submission is that though Rabindranath Biswas, junior to the applicant was by a direction of this Tribunal granted scale no. 19, but the applicant being senior was not given such benefit. The

**ORDER SHEET**

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applicant had furnished a representation before the respondent authorities praying for scale no. 19 which was considered but regretted by the authority as can be seen in their memo no. 545 dated 26.09.2019.

The respondent authority is advised to file a reply to the points raised by the applicant in this application. Let copy of such reply be served upon the other side and let the matter appear under the heading **“Reply/Rejoinder”** on **08.05.2025**.

SS/CSM

**SAYEED AHMED BABA**  
**Officiating Chairperson & Member (A)**