

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

THE HON'BLE SAYEED AHMED BABA, OFFICIATING CHAIRPERSON AND ADMINISTRATIVE MEMBER,

Case No. : OA - 263 OF 2024

MRINAL KANTI CHATTOPADHYAY - Vs - THE STATE OF WEST BENGAL & OTHERS

Serial No. and
Date of order

For the Applicant : Mr. Gourav Haldar
Advocate

02
23.09.2024

For the State Respondents : Mr. Goutam Pathak Banerjee
Advocate

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 him his final / last incremental benefits. The applicant superannuated on 30.06.2020 holding the post of Deputy Director of Industrial Training, Siliguri. By Rule 10 of the West Bengal Services (Revision of Pay and Allowances) Rules, 2019, all government employees are entitled for the annual increment on first day of July every year subject to certain conditions. The applicant who retired on 30.06.2020 was not awarded such an increment apparently on the ground that on 1st July, 2020 he was no more in service. The applicant had preferred several representations before the Principal Secretary arguing that he was entitled for such increment for the fact that he had completed 365 days of satisfactory service before he retired. Mr.Haldar, learned counsel relies on the judgement of the Hon'ble Supreme Court in 2023 SCC OnLine SC 401 in the matter of Director (Admn. and HR) KPTCL and Others Vs. C.P. Mundinamani and Others The relevant part of the judgement is cited below:

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“The entitlement to receive increment therefore crystallises when the government servant completes requisite length of service with good conduct and becomes payable on the succeeding day. In the present case the word “accrue” should be understood liberally and would mean payable on the succeeding day. Any contrary view would lead to arbitrariness and unreasonableness and denying a government servant legitimate one annual increment though he is entitled to for rendering the services over a year with good behaviour and efficiently and therefore, such a narrow interpretation should be avoided.”

It is not in dispute that the applicant had completed 365 days of service before he superannuated on 01.07.2020. From the simple reading and understanding of the judgement above, it is clear that such an increment is awarded to a government employee who has completed one year previous service with satisfaction. The West Bengal Service Rules has certain conditions under which such an increment can be withheld. But in the case of the applicant, no such conditions have been imposed by which the respondent authorities have withheld awarding such an increment. Therefore, it is in the opinion of this Tribunal, the applicant is entitled to receive his annual and final increment of the service as he rendered 365 days service prior to his superannuation. It is the understanding of this Tribunal that such an increment is awarded to an employee who has completed 365 days. It is immaterial that on the day such an increment is awarded the applicant was not in service. Such an increment cannot be denied to an employee who had completed 365 days of service on the day of superannuation on the wrong ground that he was not in service on the day such increment was awarded.

In view of the above observations, the Tribunal directs the respondent No.1, the Additional Chief Secretary, Department of

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Technical Education, Training and Skill Development to award the annual increment which he was entitled to on 01.07.2020, preferably within a period of 12 weeks from the date of communication of this order.

The application is disposed of.

(SAYEED AHMED BABA)
OFFICIATING CHAIRPERSON AND MEMBER (A)

BLR