

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman.

Case No. –OA-265 of 2021

Patralekha Nandi. - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	: Mrs. S. Mitra, Advocate.
<u>2</u> 31.3.2021	For the State Respondents	: Mr. S. N. Ray, Advocate.
	For the Principal Accountant General (A&E), West Bengal.	: Mr. B. Mitra, Departmental Representative.

The matter is taken up by the single Bench pursuant to the Notification No. 949-WBAT/2J-15/2016 dated 24th December, 2020 issued in exercise of the powers conferred under sub section (6) of section 5 of the Administrative Tribunals Act, 1985.

Let affidavit of service filed today be kept on record.

The applicant has prayed for certain reliefs, the relevant portion of which is as under :-

“a) An order do issue directing the respondent authorities to dispose of the representation dated 28.10.2019 filed by your applicant in terms of the liberty granted by this Hon'ble Tribunal in O.A. No. 529 of 2019 within a stipulated period of time.

b) An order do issue directing the respondent authorities grant all the benefits including 8/10 years CAS benefit from the due date in light of the Judgement dated 20.09.2007 passed in O.A. No. 1646 of 1998 (Shila Bhattacharya & Ors. –Versus- The State of West Bengal & Ors.) wherein the Social Welfare Officer's Association was one of the applicant and your applicant was member of the said association during her service tenure and as such is entitled to the benefits as given to others applicants of O.A. No. 1646 of 1998.

c) An order do issue directing the respondents authorities to forthwith re-fix the scale of pay of your applicant in the post of Supervisor (entry level) at pre-revised Scale No. 10 treating the same as personal to her in terms of Hon'ble Court's Order and grant her the CAS benefit of 8/10 years treating pre-revised scale no. 10 as basic scale (being personal to her) and to re-fix her pay and allowances accordingly within a stipulated period of time as this Hon'ble Tribunal deems fit and proper.

d) An Order do issue directing the respondent authorities to refund the overdrawn amount as well as pay her the arrears salary and the pension and pensionary benefits including arrears thereto after fixing her scale of pay in pre-revised Scale No. 10 in the entry level treating the same as personal to her in terms of the orders passed by the Hon'ble High Court and in terms of Para 2 (viii) of Notification No. 6075-F dated 21st June 1990 being CAS 1990."

In this application, the applicant who had superannuated on 31st October, 2015 has prayed for grant of 10/8 years CAS benefit and for revision of pay / pension in the light of the judgment dated 20th September, 2007 passed in O.A. No.-1646 of 1998, judgment dated 11th August, 2016 passed in W.P.S.T. No.-147 of 2009 and the order dated 5th February, 2018 passed by the Supreme Court wherein similarly circumstanced employees have been given CAS benefit of 10/8 years as per the Government Order issued.

It is submitted by the Mrs. S. Mitra, learned advocate for the applicant that since the applicant is entitled to the benefits as prayed for and a representation dated 28th October, 2019, appearing at pages-51 and 52 of the application, was sent to the Director ICDS Scheme, Government of West Bengal, - the respondent no. 3, appropriate order

may be passed directing the respondents to consider the same.

Mr. S. N. Ray, learned advocate for the State respondents submits, if directed, the respondent authorities will consider the same in accordance with law.

Mr. B. Mitra – the departmental representative for the Principal Accountant General (A&E), West Bengal adopts the submission of Mr. Ray.

Having heard the learned advocates for the parties and considering the facts and circumstances of the case and as prayed for, the application is disposed of by directing the Director ICDS Scheme, Government of West Bengal, - the respondent no. 3 to dispose the representation dated 28th October, 2019 by passing a reasoned order to be communicated to the parties within 15 weeks from the date of serving a copy of this order downloaded from the internet / website after giving an opportunity of hearing, after verifying the records and after considering the judgment dated 20th September, 2007 passed in O.A. No.-1646 of 1998, judgment dated 11th August, 2016 passed in W.P.S.T. No.-147 of 2009 and the order dated 5th February, 2018 passed by the Supreme Court.

It is, however, made clear that I have not gone into the merits of the matter and all points are kept open to be dealt with by the respondent no. 3.

(SOUMITRA PAL)
CHAIRMAN

S.M.