

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 273 of 2020

Roma Acharya & Ors. -- VERSUS – The State of West Bengal & Ors.

Serial No. and For the Applicants : Mr. B. Bhushan, Ld. Advocate.

Date of order For the State respondent : Mr. S.N. Ray, Ld. Advocate.

11
16.03.2023

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 matter in this application relates to benefit of scale 10 from the date of joining as a substantive scale in the light of the earlier order passed by the Hon'ble High Court at Calcutta. This prayer is followed by another prayer for refixing the pension and payment of arrears after granting the scale 10 from the date of joining.

Part heard the submissions of the learned counsels, in which they have prayed for liberty to submit application numbers of similar cases heard in this Tribunal. Liberty is also given to both the learned counsels to submit relevant Hon'ble Apex Court judgments regarding the status of "fence sitters."

It is also pertinent to record that both the learned counsels appearing on behalf of the applicants and the State respondents respectively have submitted that since this matter involves various points of law and interpretation of the Hon'ble Apex Court and Hon'ble High Court judgements have to be examined, it would be prudent that this matter is heard and adjudicated by a Bench comprising of two members (Judicial and Administrative) of the Tribunal.

In view of the above submissions, let this matter be placed before a Bench comprising of two members (Judicial and Administrative) with the relevant documents as mentioned in the foregoing paragraphs.

Let the matter appear under the heading "**Hearing**" on **20.09.2023** before the Division Bench with liberty to mention upon notice to the other side. Meanwhile, the respondent Department is also directed to file the reply in this application by the next date. Rejoinder, if any, before the next date.

SAYEED AHMED BABA
Officiating Chairperson & Member (A)

CSM/SS