

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 314 of 2023

Tapan Kumar Senapati and Others. - Versus - The State of West Bengal & Others.

Serial No. and Date of order	For the Applicants	: Mr. M. N. Roy, Mr. G. Haldar, Advocates.
<u>02</u> 24.08.2023.	For the State Respondents	: Mr. G. P. 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 applicants have prayed for direction upon the respondents for granting them scale no. 10 in compliance with Memo. dated March 8, 2005 and June 26, 2012 issued by the Finance Department, Audit Branch and Department of Food & Supplied, Government of West Bengal respectively.

The contention of the applicants is that they have been granted promotion to the post of Inspector, Food & Supplies Department, Government of West Bengal. The further contention of the applicants is that the persons who are similarly circumstanced with the applicants have already been granted scale no. 10 in terms of Memo. dated March 8, 2005 issued by the Finance Department, Audit Branch, Government of West Bengal and in terms of Memo. dated June 26, 2012 issued by the Department of Food & Supplies, Government of West Bengal in terms of the judgment and order passed by the Tribunal and affirmed by the Hon'ble High Court and the Hon'ble Supreme Court in due course.

Learned Counsel for the applicants has relied on order dated July 13, 2015 passed by this Tribunal in OA-812 of 2013 and submitted that the members of West Bengal Subordinate Food & Supplies Service, Government of West Bengal have got scale no. 10 in terms of the order passed by the Tribunal and the present applicants are on the same footing as members of West Bengal Subordinate Food & Supplies Services and as such they are

ORDER SHEET

Form No.

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entitled to be treated equally for getting Scale No. 10.

Mr. M. N. Roy, Learned Counsel representing the State respondents, contends that the entitlement of the Inspector of Food under the Department of Food & Supplies to get Scale No. 10 has already been decided by the Tribunal and the Hon'ble High Court and the Hon'ble Apex Court and as such necessary order may be passed in this regard.

Having heard Learned Counsel for the applicants and on consideration of the fact that the issue of grant of scale no. 10 to the Inspector of Food, Department of Food & Supplies, Government of West Bengal has already been decided by the Hon'ble High Court and the Hon'ble Supreme Court and also by the Tribunal in OA-812 of 2013, we are of the view that the applicants are also entitled to get scale No. 10.

Accordingly, we direct the respondent no. 2, Secretary to the Government of West Bengal, Department of Food & Supplies to consider the entitlement of the applicants to get scale no. 10 as Inspector of Food, Department of Food & Supplies, Government of West Bengal in terms of order passed by this Tribunal in OA-812 of 2013 after verification of office records within a period of 12 (twelve) weeks from the date of communication of the order and to communicate the decision only to applicants within a period of 12 (twelve) weeks thereafter.

Accordingly, the matter is disposed of.

(SAYEED AHMED BABA)
Officiating Chairperson and Member (A)

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