

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Mrs. Urmita Datta (Sen), Member (J),

Case No. OA – 321 of 2022

W.B. Subordinate Food & Supplies Service Association & Others - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicants	: Mr. M.N. Roy, Advocate
<u>3</u> 03.08.2022	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. 354 – WBAT / 2J-15/2016 dated 18th May, 2022 issued in exercise of the powers conferred under Section 6(5) of the Administrative Tribunals Act, 1985.

The instant application has been filed through the General Secretary, West Bengal Subordinate Food & Supplies Service Association being a legal entity and whose members are having a common interest in the instant application. In the instant application, the petitioners have prayed for an extension of benefit of the decision of the Finance Department dated 19.11.2015. According to the applicant, the member of the Associations are similarly circumstanced with the employees, who were granted benefit of Scale No. 10 in accordance with the U/O reference No. 1059-Group P1 dated 19.11.2015.

In the mean time, the some other similarly circumstanced employees, who had filed one OA-669 of 2016, were extended the benefit of the Scale No. 10 corresponding to Pay Band-3 with Grade Pay of Rs. 3900/- from the date of joining of the Inspector of Food vide U/O dated 01.02.2021 by the Principal Secretary to the Government of West Bengal, Finance Department. Therefore, the counsel for the applicant has fairly submitted that as the Principal Secretary, Food & Supplies Department had principally agreed with the extension of

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benefit of Scale No. 10 facilities to the members of the association and subsequently other similarly situated employees were also granted benefit by the Finance Department and in the meantime 6th Pay Commission has been dissolved. Therefore, the Principal Secretary, Finance Department, Government of West Bengal should be directed to extend the benefit of the U/O No. 1059-Group P1 dated 19.11.2015 and U/O No. Group P1/2020-2021/0345 dated U/O Date 1.2.2021 under File No. : FIN-28011/20/2021-GROUP P1 SEC-Dept. of FIN.

During the course of the hearing, the counsel for the applicant has submitted that their purpose would be served if the authorities would be directed to consider the case of the applicants and extend the benefit of judgement of this Tribunal's as well as Memo dated 19.11.2015 and 01.02.2021 by extending the benefit of Scale No. 10 from the date of appointment / promotion to the post of Inspector.

The counsel for the respondent has submitted that it is an admitted fact that the Finance Department has already implemented the order of the Hon'ble High Court, Calcutta as well as the Hon'ble Apex Court and it is further submitted by the applicants that recently the Principal Secretary, Finance Department, Government of West Bengal on 27.01.2021 also agreed to allow the petitioners of OA No. 669 of 2016 for granting Scale No. 10 (corresponding to Pay Band-3 with Grade Pay of Rs. 3900/-) from the date of joining of the Inspector of Food.

The counsel for the respondent has no objection to consider the case of the applicants but after verifying of 174 petitioners individual cases.

Heard both the parties. In view of the above, the respondent no. 2 & 3 are

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directed to consider the case of the applicants in the light of Memo dated 19.11.2015 and 01.02.2021 as well as Memo dated 27.01.2021 and to extend the benefit of Scale No. 10 after verifying the individual cases of the members of the association and communicate their decision by way of a reasoned and speaking order along with follow up action, if any, within a period of 16 (sixteen) weeks from the date of communication of the order.

Accordingly, the OA is disposed of with no order as to cost.

URMITA DATTA (SEN)
MEMBER (J)

A.K.P.