

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

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

Case No. –OA 367 of 2022

Kanai Dutta 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> 02.09.2022.	For the State Respondents	: Mr. G. P. Banerjee, 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 order contained in the Notification No. 536-WBAT/2J-15/2016 dated 26th August, 2022 issued in exercise of the powers conferred under Section 5 (6) of the Administrative Tribunals Act, 1985.

The instant application has been filed praying for following reliefs:-

- (a) An order do issue directing the respondent authorities to re-fix pay and allowances of the applicants being the retired “Chief Inspector” / “Assistant Rationing Officer” in Subordinate Food & Supplies Service Grade-I (from the date of joining the promotional post) in Pay Band-4 Rs. 9000-40500 + Grade Pay of Rs. 4400/- (Pre-Revised Scale No. 12 i.e. Rs. 4800-175-5850-200-6650-225-8675-250-10925) in terms of West Bengal Services (Revision of Pay and Allowances) Rules, 2009 followed by further revision in terms of West Bengal Services (Revision of Pay and

Allowances) Rules, 2019 and after re-fixation of the pay the applicants be paid the arrear pay and allowances along with pension and pensionary benefits, more specifically arrear salaries, arrear pension, revised pensionary benefits and revised pension month by month within a stipulated time period.

(b) An order do issue directing the respondent authorities to pay the arrears salaries and other benefits including retirement benefits after re-fixation of your applicants pay with effect on and from the date when they were entitled to along with an interest @ 18% per annum till the actual date of realization of the same.

(c) Leave be granted under Rule 4 (5)(a) of the West Bengal Administrative Tribunal (Procedure) Rules, 1994 to file a single application by more than one applicant having regard to the cause of action and nature of relief prayed for, being the same.

(d) An order do issue directing the respondent authorities to pay interest on the arrear amount of salary and pensionary benefits @ 18% P.A. till the actual realization.

(e) Any other appropriate order/orders direction/directions as this Hon'ble Tribunal

Form No.

Kanai Dutta and Others.

Case No. **OA-367 of 2022.**

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may deem fit and proper in the interest of
justice.

During the course of the hearing, the counsel for the applicant has submitted that the issue involved in this case is widely covered by the judgement dated 21.07.2022 passed in O.A. No. 757 of 2016 and has further submitted by the counsel for the applicant that it would suffice his purpose if the Secretary, Food and Supplies Department, Government of West Bengal be directed to consider the case of the applicant in the light of the aforesaid judgement.

The counsel for the respondents has no objection to such proposition.

Heard the parties and perused the records.

In view of the above, I direct the Secretary, Food and Supplies Department, Government of West Bengal in the light of the judgement dated 21.07.2022 passed in O.A. No. 757 of 2016 and communicate his decision with follow-up action by way of a reasoned order and speaking order within a period of four months from the date of receipt of the order. Accordingly, it is disposed of with above direction with no order as to cost.

Let a copy of the order dated 21.07.2022 be kept on record.

URMITA DATTA (SEN)
Officiating Chairperson and Member (J)

S.M.