

ORDER SHEET

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

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

Case No. – OA 372 of 2020

*Aloke Roy Chowdhury* -- VERSUS – The State of West Bengal & Ors.

Serial No. and Date of order	For the Applicant	: Mr. M.N. Roy, Ld. Advocate.
	For the State Respondent	: Mrs. S. Agarwal, Ld. Advocate.
<u>12</u> 23.09.2022	For the Pr.AG(A&E), WB	: Mr. B. Mitra, Depttl. Rep.

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 536-WBAT/2J-15/2016 dated 26<sup>th</sup> 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 thereby setting aside/quashing the reasoned order passed by the Director of Mass Education Extension, Government of West Bengal, vide Memo No. 805/7(5)/AD/E/OM-10/AD/MEEL/15 dated 21.11.2019 and after setting aside forthwith re-fix the pay of the applicant in the Pay Band 4 of Rs. 9,000-40,500/- with GP of Rs. 4,800/- on and from 02.07.2010 till 31.03.2011 and pay the arrear salary arising therefrom within a stipulated time period as your applicant have already retired.**

**(b) An order do issue directing the respondent authorities to pay the arrear revised pension and other pensionary benefits which is due to your applicant on and from 31.03.2011 till date and to pay the current revised pension in the Pay Band 4 of Rs. 9,000-40,500/- with GP of Rs. 4,800/- as per ROPA Rules, 2009 accordingly within a stipulated time period after setting aside the reasoned order dated 21.11.2019 passed by the respondent no. 2.**

**(c) An order do issue directing the respondent authorities to revise the pension as ROPA Rules 2019 and after revising pay the arrear revised pension and revised pension within a stipulated time period.**

**(d) An order do issue directing the respondent authorities to pay interest @ 18% p.a. on the arrear pension and pensionary benefits till the actual date of realization of the same.**

**(e) An order do issue directing the respondent authorities to produce records pertaining to the instant application before this Hon'ble Tribunal, so that conscionable justice can be delivered.**

**(f) Any other appropriate order/orders direction/directions as this Hon'ble Tribunal may deem fit and proper to protect the right of the applicant and in the ends of justice.”**

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However, during the course of the hearing, the counsel for the applicant has submitted that he is only praying for extension of benefit of the Circular No. 742-Edn (S) dated 07.09.1970 whereby the Teachers of the  
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Banipur State Welfare Homes were granted some benefits as per their qualifications. It has been further submitted that as he had joined the Banipur School on 02.07.2010 and worked till 31.03.2011 and in the meantime, he had acquired higher educational qualification as per the approval of the department. Therefore, he is entitled to get the benefit of higher pay-scale in terms of Circular dated 07.09.1970 for the period from 02.07.2010 to 31.03.2011 and to fix the pension and pensionary benefits thereof after setting aside the reasoned order dated 21.11.2019.

However, the counsel for the respondent has submitted that the said Circular is for the teachers working in the Banipur State Welfare Homes High School and not meant for the post of Teacher Helper. As the applicant initially worked in Banipur School as Teacher Helper and thereafter he was posted as Assistant Teacher posted at Central State Welfare Home, Berhampore and thereafter posted to the Banipur School on and from 02.07.2010 only. Further, it has been submitted that the Government Order dated 23.09.1991 is not applicable in the case of the applicant as it is meant for the Government Schools under School Education not the Schools of Welfare Homes under the Department of Mass Education Extension & Library Services, West Bengal.

With regard to the entitlement of the higher pay-scale, the Departmental Representative for the Principal Accountant General (A&E), West Bengal has submitted that they only can take action after issuance of the authority from the department.

I have heard the parties and perused the records. It is noted that the applicant has specifically prayed for extension of benefit of enhancement of pay-scale as per Circular dated 07.09.1970, but not the Circular dated

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23.09.1991.

From the perusal of that Circular dated 07.09.1970, it transpires that the Circular is related to the Teachers of Banipur School only and since the applicant is the Assistant Teacher of Banipur School from 02.07.2010 to 31.03.2011, therefore, the Circular is applicable for the applicant for that said period only not as a teacher Helper. Since the applicant has specifically mentioned that he is not asking for any benefit as per Circular dated 23.09.1991, therefore, the objection of the respondent in this regard is not relevant at present.

In view of the above, I quash and set aside the impugned order dated 21.11.2019 and direct the Principal Secretary, Department of Mass Education Extension and Library Services, West Bengal to extend the benefit of Circular dated 07.09.1970 after verifying the period as Assistant Teacher spent in Banipur High School and to revise the pay-scale and fix the pay and thereafter to make payment of difference of arrear pay, pension and pensionary benefits thereof within a period of four months from the date of receipt of the order.

Accordingly, the OA is disposed of with the above observations and directions with no order as to costs.

CSM/SS

**URMITA DATTA (SEN)**  
**Officiating Chairperson & Member (J)**