

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 4 of 2020

Pradip Kumar Roy -- *VERSUS* – The State of West Bengal & Ors.

Serial No. and Date of order	For the Applicant	: Mr. G. Singh, Ld. Advocate.
<u>14</u> 25.07.2024	For the State Respondents	: Mr. G.P. Banerjee, Ld. 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.

From submissions of the learned counsels and on perusal of some of the records in this application, the Tribunal has come to understand that the applicant Pradip Kumar Roy was given an order by the Superintendent of Police on 20.12.2013 directing him to take charge of the Head Clerk in officiating capacity. It is understood that the competent authority for passing such an order was the Deputy Inspector General of Police (PR) to whom a copy of the order was also endorsed requesting kind approval. The contention of the applicant is that though he had performed such duty in the post of officiating Head Clerk for one month – December 2013, but despite such duty, he was not paid salary for this one month. The applicant had approached this Tribunal earlier in OA 366 of 2015 which led to a direction to the respondent authorities to consider his representation and pass a reasoned order. The reasoned order passed by the Deputy Inspector General of Police, Presidency Range on 23.09.2019 had considered the matter. The Deputy Inspector General of Police (PR) had observed that in his case of promotion to the post of Head Clerk no approval of the competent authority was accorded. Therefore, his claim for financial benefits for such duty is not tenable.

Mr. Banerjee, learned counsel for the State has submitted that existing roles do not entitle an employee any additional benefit for holding a higher post in officiating capacity.

The Tribunal having heard the submissions and considering the document in this application is of the view that this application is inadmissible due to res judicata because the same prayer was filed before this Tribunal in OA 366 of 2015

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which was disposed of with a direction to the respondent authorities. In this application, the applicant has also prayed for a direction to give the presumptive pay of Head Clerk. Since very issue relating payment of his salary in the capacity of officiating head clerk for December 2013 was heard and in terms of such direction a reasoned order was also passed, the Tribunal is not satisfied that the same prayer need to be heard again by this Tribunal in a new application. Therefore, the application, devoid of any merit, is disposed of without passing any order.

H.S/Skg

SAYEED AHMED BABA
Officiating Chairperson & Member (A)