

ORDER SHEET

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 454 OF 2023

AMIT GUPTA - Vs - THE STATE OF WEST BENGAL & OTHERS.

Serial No. and
Date of order

01
07.08.2023

For the Applicant : Mr.S.Dutta
Ms.Tulika Bhattacharya
Advocates

For the State Respondents : Mr.Subit Kumar Mondal
Advocate

For the Principal Accountant : Mr.Biswanath Mitra
General (A&E) West Bengal (Departmental representative)

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.

Affidavit of service filed today be kept on record.

The prayer in this application is for a direction to the respondent authorities to release his unpaid differential arrear salary dues as well as pensionary and other retiral dues in terms of Scale No. 19 of MCAS dated 28.12.2012 as admissible.

Submission of Mr.Mondal, learned counsel for the State respondent is that this application is not admissible due to limitation since he retired in the year 2013 and after lapse of 10 years, this application has been filed in this Tribunal seeking remedies.

Mr.S.Dutta, learned counsel for the applicant submits that similar benefit has been ordered to similarly circumstanced employees for such benefit as prayed for by this applicant in this application.

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Despite being eligible and submission of several representations, the prayer of the applicant has not been considered by the respondent authorities. In response to the limitation of this application, Mr.Dutta, submits that representations have been submitted before the respondents and in a correspondence dated 22.10.2019 the Department addressed the Director regarding the benefits of awarding MCAS after completion of 25 years to the applicant. Therefore, since the cause of action has been continuing since his superannuation till 2021, the question of limitation in filing this application does not arise.

After hearing the submissions of the learned counsels, it is the view of this Single Bench is that this matter involves various points of law and since a similar matter was heard and order passed by a Bench comprising two Members in OA-137 of 2016 and 1270 of 2016, therefore, this matter be placed before a Bench comprising two Members (Judicial and Administrative) on 9th January, 2024 under the heading "Admission Hearing" with liberty to the applicant side to file any supplementary, if so desire.

(SAYEED AHMED BABA)
OFFICIATING CHAIRPERSON AND MEMBER (A)

BLR