

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

Case No. – OA 462 OF 2020

**SANATAN SARKAR - VERSUS - THE STATE OF WEST BENGAL & ORS.**

Serial No. and Date of order	For the Applicant	:	Mr. Tulsi Das Ray Mr. Tapan Ray Mr. Tirthankar Ray Advocates
<u>06</u> 13.06.2022			
	For the State respondents	:	Ms. Ruma Sarkar Mr. Sourav Deb Ray (Departmental Representatives)
	For the Accountant General (A&E) West Bengal	:	Mr. Biswanath Mitra (Departmental Representative)

The matter is taken up by the single Bench pursuant to the order contained in the Notification No. 118-WBAT/IE-08/2003 (Pt.-II) dated 11<sup>th</sup> February, 2022 issued in exercise of the powers conferred under section 6 (5) of the Administrative Tribunals Act, 1985.

It is submitted by Mr. T. D. Ray, learned advocate for the applicant that the issue is covered by the order dated 20<sup>th</sup> December, 2021 passed in OA 252 2020.

Ms. R. Sarkar, disputes the said proposition.

Heard Mr. B. Mitra.

The applicant has sought for several reliefs, the relevant portion of which is as under:

*“ i) To cancel and/or set aside the order / decision Vide Memo No. 7/181/IC/19 dated 15<sup>th</sup> July, 2019 issued by the SPIO and Joint Director, Surveys, West Bengal.*

*ii) To direct the concerned respondents to give benefit under*

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*Career Advancement Scheme for completion of 10/8 and 20/16 years of service and thereafter gave the benefit under modified Career Advancement Scheme for completion of 25 years service.*

*iii) Direct the concerned respondents to give all sorts of benefits to the applicants in terms of Memo No. 713-F(Law)/In-106/98 dated 15.06.2005 issued by the Joint Secretary to the Government of West Bengal, Finance (Audit) Department.*

*iv) Direct the concerned respondents to fix the pay of the applicants after giving the benefits mentioned hereinabove and give the pensionary and other financial benefit to the applicants accordingly.”*

I find that the issue is covered by the order dated 20<sup>th</sup> December, 2021 passed in OA 252 of 2020, the relevant portion of which is as under:

*“Heard learned advocate for the applicant, the departmental representative of the State respondents and Mr. B. Mitra, the departmental representative of the Principal Accountant General (A&E) West Bengal. So far as the point of limitation on behalf of the applicants is concerned, as noted that the original application being OA 586 of 2018 was disposed of granting liberty to the applicants to file original application separately in individual capacity subject to law of limitation. Thereafter, original applications have been filed in*

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*between 7<sup>th</sup> August, 2020 and 4<sup>th</sup> September, 2020. Delay if at all in moving the application is of minor significance. Hence, the point of limitation taken on behalf of the respondents cannot be accepted.*

*So far as the order dated 14<sup>th</sup> September, 2017, appearing at page 75 of the application is concerned, we find that the claim of the applicants has been denied without citing any reason and by holding “the prayer of Sri Das and others cannot be entertained as referred to. The incumbents may be informed accordingly.” Since no reasons have been assigned in rejecting the claim of the applicants, the memo. dated 14<sup>th</sup> September, 2017 appearing at page 75 of the original application in OA-252 of 2020 and in other similar applications cannot be sustained and therefore stand quashed. The applications are allowed.*

*Accordingly, the Director of Land Records and Surveys and Joint Land Reforms Commissioner, Government of West Bengal, the respondent No. 2 (iii) is directed to consider the claim of the applicants individually and separately regarding the grant of benefit under Modified Career Advancement Scheme, which has subsequently been modified for completion of 25 years of service, by passing a reasoned order to be communicated to the parties within fifteen weeks from the date of presentation of copy of this order downloaded from the website of this Tribunal after giving an opportunity of hearing to each of the applicants separately and after verifying the records.”*

**ORDER SHEET**

Form No.

**SANATAN SARKAR**

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Since the issue is covered by the order dated 20<sup>th</sup> December, 2021 passed in OA-252 of 2020 and as I find no reasons have been assigned in rejecting the claim of the applicant, the memo. dated 14<sup>th</sup> September, 2017, appearing at page 118 of the original application, cannot be sustained and therefore stands quashed. The application is allowed. Accordingly, the Director of Land Records and Surveys and Joint Land Reforms Commissioner, Government of West Bengal, the respondent no. 2 (ii) is directed to consider the claim of the applicant afresh regarding the grant of benefit under Modified Career Advancement Scheme, which has subsequently been modified on completion of 25 years of service, by passing a reasoned order to be communicated to the parties within fifteen weeks from the date of presentation of copy of this order downloaded from the website of this Tribunal after giving an opportunity of hearing to the applicant and after verifying the records.

(SOUMITRA PAL)  
CHAIRMAN

BLR