

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 491 OF 2020

NISHA CHAKRABORTY - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. For the Applicant : Ms. S. Das,
and Advocate
Date of For the State Respondents : Mr. S. Ghosh,
order Advocate

16
11.12.2024

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.

The prayer in this application is for a direction to the respondent authorities to give revised pension and fixation of basic pay by granting benefit of CAS '90 as per G.O. No.7677 dated 03.10.2008.

The applicant, a nursing personnel, was promoted to Sister Grade I w.e.f. 05.12.1997 and superannuated on 31.07.2008. She was allowed the benefit of CAS '90 and periodical increments from time to time. As she had no knowledge about G.O. No. 1032-F dated 30.01.1992, she could not exercise the particular option of date of increment. Her pay is not at par with another Sister Grade I of the same batch and she is losing an increment. She had made several representations to the authorities. The authorities, finding anomalous position due to the option exercised, regretted the proposal for pay protection, which cannot be changed later.

Mr. S. Ghosh, learned counsel submits that the applicant herself exercised her option and her pay was fixed as per rules.

Having heard the learned counsels for the parties, the Tribunal is of the opinion that the applicant had exercised her option under Rule 6(4) of West Bengal Services (Revision of Pay and Allowances, 2009) issued on 23.02.2009 and it is clearly stated that "*the option once exercised shall be final*". Therefore, finding no merit, this application is disposed of without passing any order.

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

SCN.