

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman,
The Hon'ble Sayeed Ahmed Baba, Administrative Member

Case No. – OA 6 of 2020

Biva Dhali - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	: Mr. B. Bhusan, Advocate.
<u>7</u> 10.12.2021	For the State respondents	: Mr. S.N. Ray, Advocate.

In this application, Biva Dhali, the applicant, who had superannuated on 30th November, 2012, has prayed for the following reliefs :

“a) An order directing the respondents to forthwith provide the CAS benefits after completion of 16 and 25 years of continuous and satisfactory service of applicant from respective dates of joining.

b) An order directing upon the respondents not to withdraw the Scale 10 benefit in light of the order passed by the Hon'ble High Court, Calcutta in earlier litigation.”

The matter was admitted on 27th February, 2020 when the respondents were directed to file reply within four weeks and rejoinder within two weeks thereafter. The matter was directed to appear under the heading “Admission Hearing” on 7th October, 2020. Thereafter, the matter came up for hearing on 20th January, 2021 when after hearing the learned advocates for the parties, time to file reply was extended till 19th March, 2021 and rejoinder was directed to be filed on April, 19, 2021 and the matter was directed to appear under the heading “Reply/Rejoinder/Objection” on 3rd May, 2021. Thereafter the matter came up for hearing on 1st December, 2021 when it was directed to appear today, that is 10th December, 2021, under the heading “For Orders”.

At the very outset, it is submitted by Mr. B. Bhusan, learned advocate for the applicant since in spite of repeated directions no reply

Form No.

Case No. **OA 6 of 2020**

Vs.

State of W.B. & Others

has been filed, the statements made in the application are deemed to be admitted by the respondents and the applicant who has fulfilled the criteria for enjoying the CAS benefits after completion of 16 years and 25 years of continuous and satisfactory service, reliefs as prayed for may be granted.

Mr. S.N. Ray, learned advocate for the State respondents submits that as no reply could be filed, the respondents may be directed to consider the claim of the applicant which is opposed by Mr. Bhusan on the ground that as no reply has been filed, the applicant is praying for orders as prayed for.

Heard the learned advocates for the parties. Since in spite of repeated directions, no reply has been filed on behalf of the State respondents the statements made in the application are deemed to be admitted by the respondents. Hence the applicant is entitled to the orders as prayed for. Therefore, the application is disposed of by directing the Director of ICDS, Government of West Bengal, the respondent no. 3 to scrutinise the claim of the applicant with regard to grant of CAS benefits after completion of 16 years and 25 years of continuous and satisfactory service from the respective date of joining and shall pass a reasoned order to be communicated to the applicant within 15 weeks from the date of presentation of a copy of this order downloaded from the website of the Tribunal, after giving an opportunity of hearing to the applicant and after verifying the records which includes consideration of the facts as to whether if other similarly circumstanced persons have been granted similar benefits.

Rajib

(SAYEED AHMED BABA)
MEMBER (A)

(SOUMITRA PAL)
CHAIRMAN