

**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 60 OF 2024**

**SARMISTHA SAHA & ANOTHER - Vs - THE STATE OF WEST BENGAL & OTHERS**

Serial No. and  
Date of order

05  
19.09.2024

For the Applicants : Mr.K.Bhattacharya  
Mrs.Sunita Agarwal  
Advocates

For the State respondents : Mr. Soumendra Narayan Ray  
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 23<sup>rd</sup> 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 and the learned Departmental representative for the contesting parties, the case is taken up for consideration sitting singly.

Mr.Ray, learned counsel files a copy of Memo. No. 2328 dated 19.07.2024. By this Memo. it is evident that the Director of ICDS has forwarded a revised pension proposal to the Principal Accountant General (A&E) West Bengal. Since the revised pension proposal may take some time to mature, the respondent authority has decided to sanction a provisional pension to the applicant. Copy be kept in record. Mr.Bhattacharya, learned counsel for the applicant refers to Memo. No. 2552 dated 31.07.2013 and submitted that the petitioners were parties in the Civil Appeal No. 2521 of 2013 (Arising out of SLP (C) No. 7420 of 2012). In the Hon'ble Supreme Court's order they were allowed the benefit of Scale No. 14. In terms of the order of the Hon'ble Supreme

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Court, such order refixing the pay scale of the applicant as petitioners of the case was issued. The name of Sarmistha (Biswas) Saha appears as the 4<sup>th</sup> petitioner in the said order.

In view of what has been submitted by Mr.Bhattacharya, that the applicant was a petitioner in the above mentioned Supreme Court's case and was allowed Scale No. 14, Mr.Ray has been advised to take instructions and confirm whether the applicant was a party in the Supreme Court's case or not. Mr.Ray will also take instruction, if she was a party in the Supreme Court's case and in terms of the order passed by it, she was entitled to Scale No. 14, then why she was denied this benefit. Mr.Bhattacharya also refers to pay slip for the month of April, 2022 and submits that as is the evident, the applicant had got Scale No. 14. Mr.Ray agrees that though the Scale No. 14 was given to her while in service, but subsequently, it was realised that such a scale ought not to have been given to the applicant who was not a party in the Supreme Court's case.

Let the matter appear under the heading 'Hearing' on 27<sup>th</sup> February, 2025.

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

BLR