

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

Case No. – OA 7 OF 2022

SAMBHUNATH HALDER - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and
Date of order

03
17.06.2022

For the Applicant : Mrs. Sanghamitra Nandy
Advocate

For the State respondent No. 1 to 6 : Mr. Aniruddha De
Mr. Sourav Deb Ray
Advocates

The matter is taken up by the single Bench pursuant to the order contained in the Notification No. 118-WBAT/1E-08/2003 (Pt.-II) dated 11th February, 2022 issued in exercise of the powers conferred under section 6 (5) of the Administrative Tribunals Act, 1985.

In this application, Sambhunath Halder the applicant, has prayed for certain reliefs, the relevant portion of which is as under:

“ a) A direction upon the concerned respondent authorities forthwith to give the benefit of Bhumi Sahayak Grade-I with effect from 01.08.1993 along with the statutory interest.

b) To pass an order directing the respondents to correct the pension paper of the applicant and to grant retiral benefit to the applicant as per with that of the Bhumi Sahayak Grade-I, which is due since 01.08.1993.”

It is submitted by Mrs.S.Nandy, learned advocate for the applicant that the applicant was appointed temporarily with effect from 1st July, 1984 as Office Peon. Subsequently, the appointment of the applicant was confirmed with effect from 1st August, 1993. The applicant was promoted to the post of

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Bhumi Sahayak Grade-I. Thereafter, on 31st July 2018 the applicant superannuated. It is submitted though pension has been released in favour of the applicant, however, the benefit of promotion to the post of Bhumi Sahayak Grade-I has not been given to the applicant.

Mr.A.De, the departmental representative, submits that since the departmental proceedings were pending in 2015 and the applicant was given a minor punishment, there has been a delay in releasing the benefit of promotion to the applicant who at the time of superannuation was a Bhumi Sahayak Grade-I. However, subsequently, steps have been taken for allotment of funds for granting the benefit of promotion to the applicant.

In reply, Mrs. Nandy, referring to the application submits that since the Director of Land Records & Surveys and Joint Land Reforms Commission, West Bengal, the respondent no. 2 by memo. dated 21st June, 2017 addressed to the District Land and Land Reforms Officer, Nadia had inquired about the implementation of the memo. dated 25th June, 2001 so far as it relates to the promotion of the applicant to the post of Bhumi Sahayak Grade-I with effect from 1st August, 1993 which is admittedly subsequent to the events of 2015, appropriate order may be passed granting the benefit of promotion in the superannuation benefits.

Having heard the learned advocate for the applicant and the Departmental representative and considering the facts and circumstances of the case, since it is submitted on behalf of the respondents that necessary fund has been sought for to grant the financial benefits to the applicant, considering the said fact, the application is disposed of by directing the Director of Land Records and Surveys and Joint Land Reforms Commissioner, Government of West Bengal,

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Kolkata and the District Land and Land Reforms Officer, the respondent nos. 2 and 6 respectively to give the benefit of promotion of the applicant to the post of Bhumi Sahayak Grade-I with effect from 1st August, 1993 along with interest @ 5 per cent per annum and to correct Pension Payment Order - PPO accordingly within a period of fifteen weeks from the date of presentation of a copy of this order downloaded from the website of the Tribunal and after verifying the records.

(SOUMITRA PAL)
CHAIRMAN

BLR