

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Mrs. Urmita Datta (Sen), Officiating Chairperson & Member (J)

Case No. – OA 753 of 2021

Subrata Roy -- VERSUS – The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant : Mr. M.N. Roy,
Learned Advocate.
For the State Respondent : Mr. S. Ghosh,
Ld. Advocate.

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20.09.2022

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 536-WBAT/2J-15/2016 dated 26th August, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

The instant OA has been filed praying for following reliefs :

“(a) An order to issue directing the respondent authorities to re-fix/revise the pay and allowances of the applicant after giving effect of West Bengal Services (Revision of Pay and Allowances) Rules, 2019 with effect from 01.01.2016 and after re-fixation pay the arrear subsistence allowances till January, 2021 and thereafter pay arrear salaries on and from 01.02.2021 till September, 2021 and further revised salary for the month of October, 2021 and onwards alongwith annual increments thereon in favour of your applicant within a stipulated time period with interest on delayed arrear payment.

(b) An order do issue directing the respondent authorities to pay statutory bank interest upon the unpaid arrear pay and allowances including annual increment in favour of the applicant, more preciously till the actual date of realization of the same.

(c) A further order do issue directing the respondent authorities to transmit records pertaining to the instant case so that conscionably justice can be done.

(d) Any other appropriate order/orders direction/directions as this Hon'ble Tribunal may deem fit and proper to protect the right

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of the applicant and in the ends of justice.”

It has been further submitted by the counsel for the respondents that in the OA, the applicant has basically prayed for revision of pay and allowances as per ROPA Rules, 2019 as well as re-fixation of pay of arrears of subsistence allowances and also pay of arrear salaries from 01.02.2021. However, as the pay of the applicant has already been revised as per ROPA Rules, 2019 and the arrear salaries has already been paid to him, therefore, the OA has become infructuous as his grievances has already been redressed by the authority. The counsel for the contemnor/OP has prayed for disposal of the OA accordingly.

The counsel for the applicant has submitted that his client has been paid with the arrear of salaries on 13.09.2022 and his pay has also been revised as per ROPA Rules, 2019 and he is getting his revised pay since August, 2022 as well as difference of pay of subsistence allowances was also paid to him on 29.03.2022. He has also submitted that as the respondent did not pay him salaries after revocation of his suspension allowances and only by the direction of the Court, they have paid that in a distant time, therefore, he is entitled to get interest upon the same.

As per the applicant, with the repeated intervention of the Court, the arrear salaries as well as re-fixation of pay as per ROPA Rules, 2019 has been made on 13.09.2022 only. However, as the applicant was entitled to get the full salaries from the date of revocation of suspension but the same has been paid after a long time, therefore, the respondents are directed to make payment of interest @6% from the date of his entitlement to the date of his actual payment within a period of four weeks from the date of receipt of the order.

Accordingly, the OA is also **disposed of**.

CSM/SS

URMITA DATTA (SEN)
Officiating Chairperson & Member (J)