

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

Case No. – OA 9 OF 2021

INDRAJIT PAUL - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and
Date of order

For the Applicant

: Mr. Indrajit Paul
(Appears in Person)

08
02.05.2022

For the State respondent No.1

: Mr. Sankha Ghosh
Advocate

For the State respondent No. 2

: Mr. Goutam Pathak Banerjee
Advocate

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, Indrajit Paul, the applicant, has prayed for several reliefs, the relevant portion of which is as under:

“ a. An order be passed upon the respondent no.1, i.e. Additional Chief Secretary, Personnel & Administrative Reforms (PAR) Department to grant notional promotion to the applicant in unrevised pay-scale no.21 corresponding to level-24 of pay-structure as per ROPA, 2019 w.e.f. the date applicant's immediate / inter se junior was promoted onto the same pay-scale/pay-level.

b. An order upon Additional Chief Secretary, PAR Department to issue fresh notification allowing the applicant notional promotion with modification of the instant notification.

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c. An order be passed upon respondent no. 2 i.e. Pr. Secretary, Finance Department to express his view in accordance with law in case the matter of granting of notional promotion to applicant be referred by PAR Department.”

The grievance of the applicant is that unlike his appointment in unrevised scale No. 19, in the notification dated 4th September, 2020 whereby the applicant was appointed in the unrevised scale No. 21 (level-24 of revised pay-structure), the PAR Department did not grant notional promotional benefit to the applicant with effect from the date on which the applicant's inter se junior belonging to 1991 batch was appointed in the same unrevised scale No. 21 in the year 2017. It is alleged by I. Paul, the applicant appearing in person, that different standards and different norms have been followed in the case of the applicant in being appointed in the unrevised scale No. 19 when he was allowed notional promotion but was not allowed notional promotion while he was appointed in the unrevised scale No.21. Referring to the notification dated 19th June, 2017 submission is the scale no. 19 was given by notification dated 19th June, 2017 under WBS (ROPA) Rules 1998 which the State respondents have totally ignored in their reply. Grievance is though highlighting the said anomalies a representation dated 19th September, 2020 was furnished before the Additional Chief Secretary, Personnel and Administrative Reforms and e - Governance Department, the respondent no.1, till date it has not been considered. Aggrieved, this application has been filed.

Mr.S.Ghosh, learned advocate appearing on behalf of the respondent no.1 submits that the Finance Department is the sole authority for framing the rules as well as the criteria for awarding the case CAS / MCAS benefit to the WBCS (Exe) officers. Submission is that in the instant case, the applicant was not allowed notional benefit with effect from the date on which the applicant's

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inter se junior, belonging to 1991 batch, was appointed in the unrevised No. 21 (Level-24) under WBS(ROPA) Rules, 2019 as the Finance Department in its observation dated 1st December, 2020 has specifically stated that the provisions of memo. dated 26th April, 1993 are not applicable in case of promotion to pre-revised scale No. 21 (revised Level-24) in the rank of Special Secretary. Therefore, notional benefit was not given in respect of the applicant from 1st September, 2017 to 1st April, 2020.

Heard learned advocates for the parties. Since by notification dated 19th June, 2017 while granting scale no. 19 actual promotion was given from 1st April, 2016 with notional benefit and as I find from the notification dated 4th September, 2020, while allowing pay structure level – 24, no such notional benefit was given to protect his seniority and as the representation of the applicant is pending, considering the facts and circumstances of the case, the application is disposed of by directing the Additional Chief Secretary, Personnel and Administrative Reforms and e - Governance Department, Government of West Bengal, Howrah, the respondent no. 1 to dispose of the said representation dated 19th September, 2020, being Annexure – ‘P3’ to the application, by passing a reasoned order to be communicated to the applicant within eight 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 to a representative of the Finance Department. At the time of hearing, the applicant and the representative of the Finance department are at liberty to furnish the notifications, orders, memos. and judgements in support of their respective submissions and the respondent no.1 in his reasoned order shall deal with the same.

BLR

(SOUMITRA PAL)
CHAIRMAN