

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

Case No. –OA 9 of 2020

Barnali Halder & Others - **VERSUS** - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order <u>09</u> 23.02.2022	For the Applicants	: Mr. Bharat Bhushan, Advocate.
	For the State Respondent	: Mr. S. N. Ray, 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.

The matter has come up under the heading "For Order". Though by orders dated 12th February, 2020 and 10th December, 2021, directions were issued upon the respondents to file reply, till date no reply has been filed.

In this application, Barnali Halder and other applicants, who are working as ICDS Supervisor in various Integrated Child Development Scheme have prayed for several reliefs, the relevant portion of which is as under :

"(a) An order directing the respondents to forthwith provide all the applicants the benefits of Scale-10 as per ROPA, 1981 from date of their joining as a substantive scale in light of earlier order passed by the Hon'ble High Court at Calcutta.

(b) to re-fix the salary and/or the pension and payment of arrears after granting the Scale-10 from date of joining of the applicants.

(c) Direction upon the respondents not to treat the 10/8 years CAS benefits as upgraded scale 10."

It is submitted by Mr. Bharat Bhushan learned advocate for the applicant since the prayer is for grant of Scale No. 10 on substantive basis from the date of joining and for grant of Career Advancement Scheme benefits and

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accordingly revision of pay in the light of orders dated 20th September, 2007 in OA-1646 of 1998, order dated 11th August, 2016 in WPST 147 of 2009 and order passed in the Special Leave Petition by the Supreme Court on 5th February, 2018, appropriate order may be passed. Submission is though a representation dated 19th September, 2019 was furnished before the respondent no. 3, the Director of ICDS, West Bengal it has not been considered. Aggrieved this application has been filed.

Mr. S.N. Ray, learned advocate appearing on behalf of the State respondents submits that the applicants are not entitled to the reliefs as prayed for.

Having heard learned advocates for the parties and considering the facts and circumstances of the case, the application is disposed of by directing the Director, ICDS, Government of West Bengal, Kolkata, the respondent no. 3 to dispose of the representation dated 19th September, 2019, being Annexure-A/6 to the application, by passing a reasoned order to be communicated to the applicant no. 1 within fifteen weeks from the date of obtaining a copy of this order downloaded from the website of the Tribunal, after giving an opportunity of hearing to the applicant no. 1 or any one of the applicants authorised by the applicant nol. 1, after verifying the records and after considering the order dated 20th September, 2007 passed in OA 1646 of 1998, the order dated 11th August, 2016 passed in WPST 147 of 2009 and the order dated 5th February, 2018 passed by the Supreme Court. I make it clear that I have not gone into the merits of the case and all points are left open to be dealt with by the respondent no. 3.

CSM/SS

**(SOUMITRA PAL)
CHAIRMAN**