

ORDER SHEET

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

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

Case No. – OA 912 of 2019

*Smt. Rekha Saha Sarkar* -- **VERSUS** – The State of West Bengal & Ors.

Serial No. and Date of order	For the Applicant	: Mr. S.K. Mondal, Learned Advocate.
	For the State Respondent	: Mr. M.N. Roy, Learned Advocate.
<u>12</u> 21.06.2022	For the Pr.AG (A&E), WB	: Mr. B. Mitra, Departmental Representative.

The matter is taken up by the Single Bench pursuant to the order contained in the Order No. 354-WBAT/2J-15/2016 dated 18<sup>th</sup> May, 2022 issued in exercise of the powers conferred under Section 6(5) of the Administrative Tribunals Act, 1985.

The instant application has been filed basically praying for re-fixation of pay scale of the applicant by correcting the pay fixation of the applicant as per order dated 07.02.2014 passed in OA-917 of 2013, whereby this Tribunal directed the Secretary, Department of School Education, Government of West Bengal to accord necessary approval to grant pay scale of Master Degree holder and make payment thereof. Subsequently, the State respondents approached the Hon'ble High Court at Calcutta challenging the said order in WPST 230 of 2015 (Annexure-E). The Hon'ble High Court, Calcutta vide order dated 29.01.2016 dismissed the writ petition filed by the State respondents, which was subsequently affirmed by the Hon'ble Apex Court by their order dated 21.10.2016 passed in SLP No. 19326 of 2016. In the meantime, the applicant retired on 29.02.2016. However, her pay was not re-fixed as per the Court's order, therefore, no further payment has been made. Being aggrieved with, the applicant has approached again before this Tribunal.

Today, the counsel for the respondents has submitted one office order dated 25.08.2021, whereby the pay of the applicant was re-fixed as per the scale of Master Degree holder and consequentially her pension has also been properly revised as per direction of the Court. Thereafter, it was communicated to the Head Master of Bidhannagar Government High School to take appropriate steps by putting the revised pay in her Service Book.

However, the counsel for the applicant has submitted that though the re-fixation order has been done, but till date she has not received arrear of

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salary as well as refixed appropriate pension. However, the counsel for the respondents has submitted that the matter is still lying with the respondent no. 4 i.e. the Head Master of Bidhannagar Government of High School, who is the Drawing & Disbursing Authority with regard to the applicant, therefore, he has to take necessary steps for making payment of arrear of salary as well as pension as per the fixation order dated 25.08.2021.

Heard the parties and perused the records. It is noted that vide order dated 25.08.2021, the pay and pension of the applicant has again been refixed by the competent authority. Admittedly, till date, the applicant did not receive any amount. Therefore, the respondent no. 4 i.e. the Head Master of Bidhannagar Government of High School is directed to take immediate steps to make payment of the arrear pay and pension and other retiral benefits in terms of Memo. No. 882-Sc/S dated 28.10.2021 within a period of six (6) weeks from the date of communication of the order along with the statutory interest @ 6% per annum from the date of her entitlement since she was entitled to get Master Degree scale as per the order of this Tribunal which has ultimately attained finality vide Hon'ble Apex Court's Order dated 21.10.2016.

Accordingly, the OA is **disposed of** with the above observations and directions with no order as to costs.

**URMITA DATTA (SEN)  
MEMBER (J)**

CSM/SS