

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

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

Case No. – OA-999 of 2017

Sasanka Sekhar Guchhait & Ors VERSUS – The State of West Bengal & Ors.

Serial No. and Date of order	For the Applicant	:	Mr. B. Chakraborty, Mrs. S. Agarwal, Learned Advocates.
<u>28</u> 16.06.2022	For the State Respondents	:	Mr. G.P. Banerjee, Mr. D. Kole Learned Advocates.

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

On consent of both the parties, matter has been taken up.

The instant application has been filed praying for following relief :-

a)An order be issued directing the respondents to grant scale no. 10 under ROPA-1990 to the applicants on and from 01.01.1986 or from the date of appointment to the post of Inspector and to pay all consequential benefits including fixation of pay under subsequent ROPA Rule, 1998 and ROPA Rule, 2009 and the arrear pay as may arise due to change of scale of pay time to time as has been extended to other similarly circumstanced in terms of the G.O. as amended to the application as P-5.

b)To re-fix the pay of the applicants at the corresponding scales of pay under ROPA Rules, 1998 and/or ROPA Rules, 2009 respectively.

c)To revise and pay and/or pension and other consequential reliefs on the basis of such re-fixation of pay of the applicants who had already retired from service.

d)Any other order and/orders or further orders as this Hon'ble Tribunal may deem fit and proper for administration

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of justice.

e) Costs.

As per the applicants, they were initially appointed as Sub-Inspector and subsequently promoted to the post of Inspector and retired as Chief Inspector. It has been submitted that Sri Abhijit Samadder and Sri Bidyut Kumar Misra while working as Inspector under the Food & Supplies Deptt. filed a writ petition being No. 1895 of 1990 praying for Scale No. 10 under West Bengal Services (ROPA) Rules, 1990 and pursuant to the judgement passed by Hon'ble High Court, the state respondents granted Scale No. 10 under ROPA-1990 to those writ petitioner notionally w.e.f. 01.01.1986 and actually from 01.01.1988. Thereafter, another group of Inspector filed C.O. No. 20188 (W) of 1994 before the Hon'ble High Court which subsequently transferred to this Tribunal under TA No. 987 of 1996, and was ultimately disposed of by this Tribunal vide order dated 10.07.1997 (Annexure-P/2). Being aggrieved with, the respondent authority filed one WPST No. 287 of 1997 which was dismissed vide order dated 19.11.1997. Again the state respondents preferred an appeal against the order dated 19.11.1997 which was subsequently dismissed by the Hon'ble Apex Court. Subsequently, another group of Inspectors had moved an application being OA-812 OF 2013 (West Bengal Subordinate Service Association Vs. State of West Bengal & Ors) which was disposed of vide order dated 13.07.2015 directing the State respondents to award Scale No. 10 under ROPA-1990 to the applicants (Annexure-P/4).

In the meantime, Finance Department issued Memo dated 08.03.2005 and 26.06.2012 and had extended the benefit of Scale No. 10 to the applicants.

In view of the above, the applicants have prayed for extension of benefit of aforementioned judgement to the applicants.

During the course of hearing, the counsel for the applicant has submitted that it would suffice their purpose, if the competent authority be

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directed to consider the case of the applicants in the light of aforementioned judgement and to extend the benefit thereof.

The counsel for the respondent has no objection to consider claim of the applicants after verifying, whether they are similarly circumstanced or not.

Further, it has been submitted that since the applicants approached this Tribunal in the year 2017 only, therefore their arrear pay may be guided by the judgement of Hon'ble Apex Court in the case of Union of India Vs. Tarsem Singh reported in (2008) SCC 648.

Heard the parties and perused the records.

In view of the above, the Respondent No. 2 is directed to consider the case of the applicants treating this OA as a representation and to communicate his decision by way of reasoned and speaking order after verifying whether the applicants are similarly circumstanced or not and communicate the same within a period of three months from the date of receipt of the order. Accordingly, OA is disposed of with no order as to costs.

URMITA DATTA (SEN)
MEMBER (J)

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