

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Bikash Bhavan, Salt Lake, Kolkata – 700 091.**

**Present-**

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

**Case No. – OA-405 of 2019**

**Sreemoyee Gupta Roy Chowdhury & Ors. VERSUS – The State of West Bengal & Ors.**

Serial No. and Date of order	For the Applicant	:	Mr. M.N. Roy, Mr. G. Halder, Learned Advocates.
<u>13</u> 31.03.2022	For the State Respondents	:	Mr. G.P. Banerjee, Learned Advocate.

For the Pr. A.G.W.B. Mr. B. Mitra.

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 11<sup>th</sup> February, 2022 issued in exercise of the powers conferred under Section 6 (5) of the Administrative Tribunals Act, 1985.

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

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

- a) An order do issue directing the respondent authorities to fix the pay scale of the applicants in Pay Band-3 Rs. 7100-37600/- with Grade Pay of Rs. 3900/- (pre revised Scale No. 10) from the date of joining/promotion of the applicants to the post of Estate Supervisor under the Housing Department, Govt. of West Bengal.
- b) An order do issue directing the respondent authorities to disburse the arrear amounts/dues after fixing the pay scale of the applicants in the Pay Band-3 Rs. 7100/- -37600/- with Grade Pay of Rs. 3900/- (pre revised pay scale no. 10) from the date of joining/promotion to the post of Estate Supervisor under the Housing Department, Govt. of West Bengal, within a stipulated time period.
- c) An order do issue directing the concerned respondent authorities, each of them, to pass necessary and identical

**ORDER SHEET**

Form No.

Sreemoyee Gupta Roy Chowdhury & Ors

Vs.

Case No. **OA-405 of 2019**

The State of West Bengal & Ors.

orders in favour of the present applicants herein as has been passed with regard to the applicants in OA No. 147 of 2003.

- d) An order do issue commanding the respondents, each of them, to pass necessary orders and fix the scale of the applicants in Pay Band-3 Rs. 7100-37600/- with Grade Pay of Rs. 3600/- (pre revised pay scale No. 9) and thereafter pay the arrears accrued thereto.
- e) An order do issue directing the respondent authorities to dispose of the representations made by the applicants herein by passing a speaking and reasoned order within a stipulated time period and communicate the decision thereof to the applicants herein after giving them an opportunity of hearing.
- f) An order do issue directing the respondent authorities to pay interest on the arrear amount @ 18% p.a. till the actual realization.
- g) An order do issue directing the concerned respondent authorities to refix the scale of pay of the applicants at Pay Band-3 Rs. 7100-37600/- with Grade Pay of Rs. 32900/- (pre revised scale of pay no. 10) and thereafter process the pension file of the applicants and disburse the enhanced dues accordingly within a stipulated time period.
- h) Any other appropriate order/orders direction/directions as this Hon'ble Tribunal may deem fit and proper in the interest of justice.
- i) Leave be granted under Rule 4 (5) (a) of the West Bengal Administrative Tribunal (Procedure) Rules, 1994 to file a single application by more than one applicant having regard to the cause of action and nature of relief prayed for, being

**ORDER SHEET**

Form No.

Sreemoyee Gupta Roy Chowdhury & Ors

Vs.

Case No. **OA-405 of 2019**

The State of West Bengal & Ors.

the same.

As per the applicant, they are the similarly circumstanced persons with the applicant Arun Kumar Khanra in OA -608 OF 2019 which was disposed of vide order dated 22.02.2022 directing the Respondent No. 1, Secretary, Housing Deptt. Govt. of W.B. to consider the case of the applicant taking into account the judgement dated 19.02.2009 passed in OA-147 of 2003.

As per the applicant, since they are similarly circumstanced with the said applicant, they may be extended the same benefit as has been granted to the aforesaid case.

The counsel for the applicants have submitted that it would suffice their purpose if the Respondent No. 1 be directed to take a decision in light of the judgement passed in OA-147 of 2003 & OA-608 of 2019 on 19.02.2009 & 22.02.2022 respectively.

The counsel for the respondent has no objection to such proposition.

In view of the above, Respondent No. 1 is directed to consider the case of the applicants and verify whether they are similarly circumstanced with the applicants of OA-147 of 2003 and OA-608 of 2019 and if the applicants would have been found eligible and similarly circumstanced, they may be extended the benefit of the said judgements by way of passing a speaking and reasoned order and communicate the same within a period of 4 (four) months from the date of receipt of the order with follow up action. Accordingly, OA is disposed of with no order as to costs.

Since the circumstances beyond control, the Registry is unable to furnish plain copies of this order to the learned advocates for the parties, the Registry is directed to upload this order on the website of the Tribunal forthwith and parties are directed to act on the copies of the order

**ORDER SHEET**

Form No.

Sreemoyee Gupta Roy Chowdhury & Ors

**Vs.**

Case No. **OA-405 of 2019**

The State of West Bengal & Ors.

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URMITA DATTA (SEN)  
MEMBER (J)

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