

ORDER SHEET
WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

The Hon'ble Justice Ranjit Kumar Bag
& The Hon'ble Dr. Subesh Kumar Das

Case No – CCP 32 of 2018 [OA 685 of 2017]

Nirmalendu Golder & Ors. Vs. Mr. Anil Verma, Commissioner, Food & Supplies.

Serial No. and Date of order. 1	Order of the Tribunal with signature 2	Office action with date and dated signature of parties when necessary 3
04 10.04.2019	<p>For the Applicants : Mr. B. Chakraborty, Mrs. S. Agarwal, Learned Advocates.</p> <p>For the Contemnor OP : Mr. G.P. Banerjee, Learned Advocate.</p> <p>The applicants have prayed for issuance of the contempt rule against the contemnor for wilful violation of the order dated August 21, 2017 passed by this Tribunal in OA-685 of 2017.</p> <p>It is relevant to quote 3rd and 4th paragraph of order dated August 21, 2017 passed in OA-685 of 2017, which is as follows :</p> <p>“After having heard the Learned Advocate for the Applicant and the State the Tribunal feels that the Application should now be disposed of with a direction upon the Principal Secretary, Food & Supplies Department to take a decision on the basis of the prayer made in this Application and consider as to whether the ratio of the decision of the Tribunal in the case West Bengal Subordinate Food & Supplies Service Association & Ors. Versus The State of West Bengal & Ors. is applicable so as to enable them to enjoy the same benefit.</p> <p>The Principal Secretary, Food & Supplies Department will take a decision in respect of the issue involved within a period of four weeks from the date of receipt of this order.”</p> <p>On consideration of the above direction given by the Tribunal, we find that the Tribunal directed the</p>	

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Principal Secretary to the Government of West Bengal, Department of Food & Supplies to take a decision on the basis of prayer of the application and consider whether the ratio of the decision of the Tribunal in “West Bengal Subordinate Food & Supplies Service Association & Ors. Versus The State of West Bengal & Ors.” (OA-812 of 2013 disposed of on July 13, 2015) is applicable in order to enjoy them the same benefit.

Mr. G.P. Banerjee, Learned Counsel representing the contemnor has produced copy of order dated January 15, 2019 issued by the contemnor and the same is kept on record. It appears from the said reasoned order that the applicants deserve to be treated similarly as other Inspectors of the Department of Food & Supplies, who are enjoying scale no. 10, but the Principal Secretary had no other option than to refer the matter the 6th Pay Commission for recommendation for grant of pay scale no. 10 to all Inspectors of Food & Supplies Department as the Finance Department has already requested for referring the matter to the 6th Pay Commission. On perusal of the reasoned order, we are of the view that the contemnor has complied with the direction of the Tribunal, though the applicants have not got the benefit of scale no. 10.

In view of our above observation, the contempt application stands **disposed of**.

(S.K. DAS)
MEMBER(A)

(R. K. BAG)
MEMBER (J)

Sanjib

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