

ORDER SHEET
West Bengal Administrative Tribunal

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

Case No.

Versus

Order of the Tribunal
with signature

Office action with date
and dated signature of
parties when necessary.

Serial No. and
date of order

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07
10/07/2018

Case No. CCP – 73 of 2017 : Sudhir Kumar Jana Vs. Mr. Koushick Chatterjee, the Secretary, Irrigation & Waterways Department, Government of West Bengal & Others.

For the Applicant : Mr. S. Ghosh,
Mr. R. K. Mondal,
Learned Advocates.

For the State Respondents : Mr. S. N. Ray,
Learned Advocate.

For the Principal Accountant : Mr. B. Mitra,
General (A&E), West Bengal Departmental Representative.

Case No. CCP –79 of 2017 : Prafulla Kumar Chaudhuri Vs. Mr. Nabeen Prakash, the Secretary, Irrigation & Waterways Department, Government of West Bengal & Others.

For the Applicant : Mr. S. Ghosh,
Mr. R. K. Mondal,
Learned Advocates.

For the State Respondents : Mr. S. N. Ray,
Learned Advocate.

For the Principal Accountant : Mr. B. Mitra,
General (A&E), West Bengal Departmental Representative.

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Case No. CCP – 81 of 2017 : Archana Manna Vs. Mr. Nabeen Prakash, the Secretary, Irrigation & Waterways Department, Government of West Bengal & Others.

For the Applicant : Mr. S. Ghosh,
Mr. R. K. Mondal,
Learned Advocates.

For the State Respondents : Mr. S. N. Ray,
Learned Advocate.

For the Principal Accountant : Mr. B. Mitra,
General (A&E), West Bengal Departmental Representative.

Case No. CCP – 106 of 2017 : Manabi Pramanick Vs. Mr. Goutam Chatterjee, the Secretary, Irrigation & Waterways Department, Government of West Bengal & Others.

For the Applicant : Mr. S. Ghosh,
Mr. R. K. Mondal,
Learned Advocates.

For the State Respondents : Mr. S. N. Ray,
Learned Advocate.

For the Principal Accountant : Mr. B. Mitra,
General (A&E), West Bengal Departmental Representative.

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Case No. CCP – 104 of 2017 : Amitabha Basu & Others. Vs. Mr. Goutam Chatterjee, the Secretary, Irrigation & Waterways Department, Government of West Bengal & Others.

For the Applicants : Mr. S. Ghosh,
Mr. R. K. Mondal,
Learned Advocates.

For the State Respondents : Mr. S. N. Ray,
Learned Advocate.

For the Principal Accountant : Mr. B. Mitra,
General (A&E), West Bengal Departmental Representative.

CCP 104 of 2017 is treated as on day's list with consent of Learned Counsel of both parties, as the said contempt application should have been listed on this date on the basis of order dated May 10, 2018 passed in said contempt application.

It appears from the original order for whose wilful violation all the contempt applications have been filed by the respective applicants, that the contemnors would grant to the applicants benefit of Carrier Advancement Scheme by treating scale of pay awarded to the applicants in terms of orders of the Hon'ble High Court at Calcutta as basic scale of pay in terms of GO dated June 21, 1990

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followed by fixation in respect subsequent benefits in accordance with rules by which the applicants are governed. The original order further points out that it not is permissible to deduct any amount already paid to the applicants on account of earlier Carrier Advancement Scheme and if such deduction has already been made, then the amount of overdrawal must be refunded to the applicants.

The compliance report submitted on behalf of the contemnor of each of the contempt applications goes to show that the direction of the Tribunal has already been complied with by re-fixation of pay of the applicants and by disbursement of arrears and by taking steps for revision of pension on the basis of the revised pay of the applicants.

Mr. Ghosh, Learned Counsel appearing on behalf of the applicants submits that pay of the applicants has already been re-fixed and the amount of overdrawal has already been refunded, but arrears of pay have not been disbursed in all respects.

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On close scrutiny of the original order for whose violation the contempt applications have been filed, we find that payment of arrears of salary including arrears of gratuity and arrears of leave encashment are not falling within the ambit of the said original order. Accordingly, we are of the view that the contemnors have complied with the direction given by the Tribunal. So, all the contempt applications stand disposed of.

Let a plain copy of this order be supplied to all the parties.

S. K. DAS
MEMBER(A)

R. K. BAG
MEMBER(J)

Rajat

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