

ORDER SHEET
West Bengal Administrative Tribunal

Present.-
The Hon'ble Mrs. Urmita Datta (Sen)
&
The Hon'ble Dr. A. K. Chanda

Case No. **CCP – 95 of 2017**

*Mr. Atri Bhattacharya, IAS, the Principal
Secretary, Department of Home (Police),
Government of West Bengal.*

Biswajit Roy Chowdhury

Versus

Government of West Bengal.

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<u>06</u> 10/04/2018	<p>For the Applicant : <i>Mr. Manujendra Narayan Roy, Mr. Gourav Halder, Advocates.</i></p> <p>For the State Respondents : <i>Mr. Goutam Pathak Banerjee, Advocate.</i></p> <p><i>The Counsel for the contemnor respondent today has placed one order dated 05/04/2018 passed by the Deputy Secretary to the Government of West Bengal, Home & Hill Affairs Department and has drawn our attention to the paragraph no. 3 of the said letter, wherein, the Governor has pleased to step up the pay of the applicant with effect from 01.07.2013 at the same level as that of Mr. Apurba Kumar Mondal, SI of West Bengal Police and has submitted that they have complied with the order.</i></p> <p><i>However, on the contrary, the Counsel for the applicant has drawn our attention to the order dated 20.07.2017 passed by this Tribunal which is as follows :</i></p> <p style="text-align: center;">“This is absolutely anomalous and requires to be set right. However, as already proposal has been</p>	

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	<p style="text-align: center;"><i>sent by the Police Directorate vide memo dated 16.05.2017, now the Finance Department will take effective steps to correct the malady and put the issue in order. <u>The Finance Department will now act on the basis of memo No. 1847/1 - ADM / SC / ADM / SC (ROPA) - 03/2016 (PT) dated 16.05.2017 within a period of eight weeks from the date of receipt of this order and refix the Pay of Shri Biswajit Roy Chowdhury.</u></i></p> <p><i>The Counsel for the applicant has further submitted that the aforementioned order consists of two directions. First, to take decision in terms of the memo dated 16/05/2017 and second, to refix the pay of the applicant.</i></p> <p><i>Therefore, from perusal of the letter dated 05/04/2018 issued by the Deputy Secretary to the Government of West Bengal, Home & Hill</i></p>	

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	<p><i>Affairs Department as submitted by the Counsel for the contemnor / respondent, it would be evident that though the Finance Department has already taken the decision to step up the pay of the applicant at par with Mr. Apurba Kumar Mondal, SI of West Bengal Police, but, neither the Counsel for the contemnor / respondent has filed any compliance report showing refixation of pay nor any refixation order has been brought before this Court. Therefore, the submission of the Counsel for the contemnor / respondent cannot be taken as full compliance of the order dated 20/07/2017.</i></p> <p><i>Heard both the parties and perused the records.</i></p> <p><i>During the course of the hearing, it is noted that in terms of the order dated 20/07/2017, the first part of the order has been complied with vide letter dated 05/04/2018, however, there is no such order of refixation before us on the other hand by way of any order or by way of any compliance report.</i></p> <p><i>Therefore, the Counsel for the contemnor / respondents is granted another chance to file compliance report enclosing the order of refixation of pay of the applicant.</i></p>	

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Rajat	<p style="text-align: center;"><i>Let the matter be listed on 09.07.2018.</i></p> <p style="text-align: center;">Dr. A. K. CHANDA MEMBER(A)</p> <p style="text-align: center;">URMITA DATTA (SEN) MEMBER(J)</p>	

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