

**ORDER SHEET****WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-**

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

Case No –CCP-131 of 2015

**Prasanta Kumar Bhowmick Vs D. Mukherjee, Milk Commissioner, Dte. Of Dairy Development, The Govt. of West Bengal  
& Ors.**

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
<p style="text-align: center;">22</p> <hr/> <p>17.06.2019</p>	<p>For the Applicant : Mr. S. N. Ray, Learned Advocate.</p> <p>For Contemnor O.P. : Mr. S. Ghosh, Learned Advocate.</p> <p>The applicant has prayed for issuance of the contempt rule against the contemnor for wilful violation of order dated July 10, 2015 passed by this Tribunal in OA 418 of 2013.</p> <p>It is relevant to quote relevant portion of the order alleged to have been violated by the contemnor, which is as follows :</p> <p>“... We are of the view that the discrepancy between the pay of the applicant and the private respondent has arisen directly as a result of application of ROPA Rules, 1998 ....</p> <p>.... We are of the view that the pay of the applicant should be stepped up to make it equal to the pay of the private respondent with effect from the date on which the private respondent started getting higher pay than the applicant. We, therefore, dispose of this application by directing the respondent no. 2 i.e. Milk Commission, Directorate of Dairy Development to step up the pay of the applicant in the manner indicated above and issue necessary</p>	

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	<p>orders within a period of six weeks from the date of communication of the order and pay the applicant all consequential benefits accordingly.”</p> <p>By filing fresh compliance report supported by an affidavit, the contemnor submits that the pay of the applicant has been stepped up and fixed at Rs.5025/- w.e.f. 1.4.1997 to make it equal to the pay of the private respondent. The fresh compliance report further indicates that the pay of the private respondent has been reduced and fixed at Rs.5025/- w.e.f. 1.4.1997. The orders of pay fixation of both the applicant and the private respondent issued on 26.10.2017 and 22.06.2017 respectively are annexed with the fresh compliance report submitted before the Tribunal. In view of the orders of fixation of pay of the applicant and the private respondent w.e.f. April 1, 1997, we are of the view that pay anomaly between the applicant and the private respondent is removed, though the pay of the private respondent has been reduced by way of fresh fixation of pay. The grievance with regard to reduction of pay of the private respondent can be ventilated only by the private respondent and not by the applicant. Since the pay of the applicant and the pay of the private respondent have now been made equal by issuance of fresh order and fixation of pay which will be effective from April 1, 1997, we are constrained to hold that the order passed by the Tribunal has been complied with. The applicant is directed to furnish all information including the bank details before the authority concerned for disbursement</p>	

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Rajib	<p>of the amount of arrears of pay, if any, in favour of the applicant without further delay.</p> <p>In view of our above observation, the contempt application stands disposed of.</p> <p>Let a plain copy of the order be supplied to both parties.</p> <p><b>(Dr. S.K. Das)</b> <b>Member (A)</b></p> <p><b>(R.K. Bag)</b> <b>Member (J)</b></p>	

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