

ORDER SHEET
West Bengal Administrative Tribunal

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

Case No. **OA - 465 of 2018**

Dr. Pralay Kumar Sahu

Versus

The State of West Bengal & Others. .

Serial No. and
date of order

Order of the Tribunal
with signature

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

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2

3

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16/08/2018

For the Applicant : *Mr. V. Chatterjee,*
Learned Advocate.

For the State Respondents : *N O N E.*

The applicant has prayed for direction upon the respondents to consider the representation of the applicant submitted before the respondent no. 4 on January 10, 2018 and the ancillary reliefs in connection with the pay scale of the applicant.

The applicant was appointed to the post of Apothecary – in – charge at Vishwanath Ayurved Mahavidyalaya & Hospital in the pay scale of Rs.4800 – 175 – 5850 – 200 – 6650 – 225 – 8675 - 250-10925/- plus non practicing allowances and other admissible allowances on the basis of recommendation of Public Service Commission, West Bengal, by the Director of Ayurveda, Government of West Bengal on September 18, 2006. The contention of the applicant is that the post in which the applicant has been appointed is not included in West Bengal Ayurvedic Education Service or West Bengal Ayurvedic Health Service established under the West Bengal State Ayurvedic Health Service Act, 2002. The grievance

ORDER SHEET – (Continuation)

Form No.

Dr. Pralay Kumar Sahu
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Vs

The State of West Bengal & Others.
.....Case No. **OA – 465 of 2018**

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><i>of the applicant is that the persons holding the post under the service establish under the West Bengal State Ayurvedic Health Service Act, 2002 and having the qualification of the applicant are getting more salary for enjoying higher scale of pay. The applicant submitted representation in this regard before the respondent no. 4, but we are of the view that the respondent no. 4 has no authority under the law to decide the pay scale of the applicant.</i></p> <p><i>None appears on behalf of the state respondents, in spite of service of notice as reflected from the affidavit of service filed on behalf of the applicant.</i></p> <p><i>On consideration of the fact that the persons who are junior to the applicant are getting higher scale of pay having the qualification of the applicant for not including the post of the applicant either in West Bengal Ayurvedic Education Service or West Bengal Ayurvedic Health Service, we are of the view that the applicant is at liberty to submit appropriate representation before the respondent no.1 by ventilating his grievances within specific period of time and the same will be considered by the concerned respondent within specific period of time.</i></p>	

ORDER SHEET – (Continuation)

Form No.

Dr. Pralay Kumar Sahu
.....

Vs

The State of West Bengal & Others.
.....Case No. **OA – 465 of 2018**

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><i>Accordingly, the applicant is at liberty to submit representation ventilating his grievances before the respondent no. 1, Additional Chief Secretary, Government of West Bengal, Department of Health & Family Welfare within a period of four weeks from this date. If such representation is submitted by the applicant within the stipulated period of time, the respondent no. 1 will consider the representation of the applicant in accordance with law within a period of twelve weeks from the date of submission of the representation by the applicant and intimate the result of the same to the applicant within a period of two weeks thereafter.</i></p> <p><i>With the above direction the original application is disposed of.</i></p> <p style="text-align: center;">S. K. DAS MEMBER(A)</p> <p style="text-align: center;">R. K. BAG MEMBER(J)</p>	

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Serial No. and date of order	Order of the Tribunal with signature	Office action with date and dated signature of parties when necessary.
1	2	3