

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

**The Hon'ble JUSTICE RANJIT KUMAR BAG
& The Hon'ble DR. SUBESH KUMAR DAS**

Case No – OA 804 OF 2019

Suvasish Kundu vs **The State 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;">02 <hr/>25.11.2019</p>	<p><i>For the Applicant : Mr. A.K. Das Sinha, Mr. A. Samad, Learned Advocates.</i></p> <p><i>For the State Respondents : Mr. S. Ghosh, Learned Advocate.</i></p> <p style="text-align: center;"><i>Affidavit of service filed on behalf of the applicant today is kept on record. Supplementary application filed on behalf of the applicant today is also kept on record.</i></p> <p style="text-align: center;"><i>The applicant has prayed for direction upon the respondents for re-fixation of pay of the applicant on joining the post of Lower Division Clerk (L.D.C) in terms of the order passed by the respondent no. 4 on 21.05.2018 and other consequential reliefs.</i></p> <p style="text-align: center;"><i>The contention of the applicant is that he joined in the post of Chowkidar (Group D) on May 10, 2010 on compassionate ground, though he was selected for Group C post on compassionate ground. The applicant approached this Tribunal by filing in OA 1435 of 2014 which was disposed of on April 19 of 2016 by giving direction to escalate the post of the applicant to Group C, if he is otherwise eligible for the said post within specific period of time. Ultimately, on May 21, 2018 the applicant</i></p>	

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was appointed as LDC against 30% exempted category of post meant for appointment on compassionate ground in the scale of pay of Rs. 5,400-25,200/- with grade pay of Rs. 2,600 plus other allowances as admissible under the rules. The grievance of the applicant is that he used to draw basic pay of Rs. 6,440/- in the scale of pay of Rs. 4,900/- - 16,200/- while he worked as Chowkidar in the month of May 2018, whereas his basic pay was fixed at Rs. 6,240/- in the scale of pay of Rs. 5,400/- - 25,200/-, while he joined as LDC in the month of June 2019.

Mr. Das Sinha, Learned Counsel for the applicant contends that the basic pay of the applicant was reduced when his service was escalated by giving appointment in the Group C post and as such fixation of pay of the applicant should be done afresh and consequential financial benefits should be given to the applicant. On the other hand, Mr. Ghosh, Learned Counsel representing the state respondents submits that the pay of the applicant has been rightly fixed in the pay scale of LDC i.e. Rs. 5400-25200/-.

Having heard Learned Counsel representing both parties and on consideration of the materials on record, we find that the fixation of basic pay of the applicant was done at Rs. 6240/- with grade pay of Rs. 2,600/- in the pay scale of Rs. 5,400/- - 25,200/- after joining in Group C

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post (LDC) in the month of June 2019, whereas the applicant used to draw basic pay of Rs. 6440 with grade pay of Rs. 1700/- in the pay scale of Rs. 4900-16200 while he was working in Group D post (Chowkidar) as reflected from the pay slip of the month of May 2018 and June, 2019. With the above factual matrix we find that the applicant submitted representation before the respondent no. 3, on January 03, 2019 for re-fixation of his pay on joining Group C post in terms of Rule 42A of WBSR, Part I, but the said representation has not been disposed of.

Accordingly, we direct the respondent no. 3, Director of Personnel & Ex-Officio Chief Engineer, Water Resources Development Directorate, Government of West Bengal to consider the representation of the applicant dated January 03, 2019 in accordance with rules of WBSR Part-I by passing a reasoned order within a period of eight weeks from the date of communication of the order.

With the above direction, the original application is disposed of.

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

H.S

(S.K.DAS)
Member (A)

(R.K.BAG)
Member (J)