

**ORDER SHEET**

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Present-**

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

**Case No – OA 1018 OF 2013**

*Asit Baran Acharya & Others* 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;">21 <hr/>29.11.2018</p>	<p><i>For the Applicants : Mr. S.K. Rath, Learned Advocate.</i></p> <p><i>For the State Respondents : Mr. S. Bhattacharya, Departmental Representative.</i></p> <p><i>For A.G.(A&amp;E), W.B. : None</i></p> <p><i>The applicants have prayed direction upon the respondents for quashing of order dated February 10/12, 1999 issued by the Assistant Secretary to the Government of West Bengal, Department of Land and Land Reforms, by which pay scale granted to the applicants as Junch Mohurrior Grade-I was withdrawn in accordance with the judgment passed by the Hon,ble Supreme Court in C.A.No. 11566 of 1995 arising out of S.L.P.(c) No. 16867 of 1994 in the matter of “State of West Bengal Vs Subol Chandra Das.”</i></p> <p><i>The contention of the applicants is that the applicants got pay scale of Rs.360 - 815/- with effect from April 01, 1981 for working in the post of Junch Mohurrior Grade –I, in terms of Land and Land Reforms Department Memo No. 836-GB-III dated February 10/12, 1999 and in terms of Department Memo dated November 01/8, 2000,</i></p>	

**ORDER SHEET**

*Asit Baran Acharya & Others*

Form No. ....

**Vs.**

**The State of West Bengal & Ors.**

Case No. **OA 1018 OF 2013**

*but the said pay scale was withdrawn and lower pay scale of Rs. 300-685/- was given with effect from July 01, 1989. Learned Counsel representing the applicants contends that other employees of the Department enjoyed the higher pay scale and retired long back, but the details of those employees have not been disclosed in the present application.*

*Mr. S. Bhattacharya, the Departmental representative of the state respondents contends that the higher pay scale of Rs. 360-815/- was granted in favour of the applicants as Junch Mohurrior Grade –I, but the said pay scale was withdrawn and reduced to Rs. 300-685/- for change of designation of Junch Mohurrior Grade-I as Lower Division Clerk on the basis of directive given by the Hon’ble Supreme Court of India. He further submits that there was no promotional avenue available to the employees who worked as Junch Mohurrior Grade-I, whereas Lower Division Clerk got promotional avenue up to Upper Division Clerk on the ratio of 1:1 as per policy of promotion of the Government employees of the State of West Bengal. He has also point out that the designation of Junch Mohurrior was changed to re-designated Lower Division Clerk as the duties and responsibilities of the employees working in both the posts are the same. According to Mr. Bhattacharya, one of the applicants namely Asit Baran Acharya previously approach this*

**ORDER SHEET**

*Asit Baran Acharya & Others*

Form No. ....

**Vs.**

**The State of West Bengal & Ors.**

Case No. **OA 1018 OF 2013**

*Tribunal by filing OA 1570 of 2010 praying for refund of an amount of Rs.91,225/- which was deducted from the gratuity of the said employee on the ground of excess payment of salary due to wrong fixation of pay.*

*Having heard Learned Counsel representing both parties and on consideration of the materials on record, we find that the pay scale of the applicants was reduced for change of designation of the post held by the applicants in compliance with the judgment of the Hon,ble Supreme Court of India. The applicant no. 1, Asit Baran Acharya has already admitted the fact of excess payment of salary to him and prayed for refund of the said amount which was deducted from his retiring gratuity by filing OA 1570 of 2010 before this Tribunal. It is relevant to point out that the applicants were well aware of the fact of reduction of salary due to change in the designation of the post held by them in the year 2001, but they waited for long 12 (twelve) years for approaching the Tribunal by filing the present original application presumably because same of them got benefit of promotion to Upper Division Clerk on the basis of promotional policy of the Government of West Bengal after abolition of the post of Junch Mohurrior Grade-I.*

*In view of our above findings, we do not find any merit in the present application. As a result, the present application is dismissed.*

**ORDER SHEET**

*Asit Baran Acharya & Others*

Form No. ....

**Vs.**

**The State of West Bengal & Ors.**

Case No. OA 1018 OF 2013

*Let the urgent certified copy of the order be supplied to both parties, on priority basis, if applied for, after compliance of necessary formalities.*

( S.K.DAS)  
Member ( A)

( R.K.BAG)  
Member (J)

*H.S*

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Form No.

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**The State of West Bengal & Ors.**

Case No. OA 1018 OF 2013

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