

**ORDER SHEET**  
**West Bengal Administrative Tribunal**

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

Case No. **OA - 1038 of 2013**

*Lambodar Saha*

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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25/07/2018

**For the Applicant** : *Mr. S. N. Ray,*  
*Learned Advocate.*

**For the State Respondents** : *Mr. A. L. Basu,*  
*Learned Advocate.*

**For the A.G. W.B.** : *Mr. B. Mitra,*  
*Departmental Representative.*

*The applicant has prayed for direction upon the respondents for extension of benefit of Career Advancement Scheme on the basis of memorandum no.3015- F dated March 13, 2001 issued by the Finance Department (Audit Branch), Government of West Bengal.*

*The applicant retired from the post of Deputy Magistrate and Deputy Collector of the district of Murshidabad on January 31, 2012. The contention of the applicant is that he was getting scale no.15 at the time of his superannuation and he was entitled to get the benefit of higher scale on the basis of MCAS. The grievance of the applicant is that he was denied benefit MCAS. It appears from the reply given by the state respondents that MCAS was denied to the applicant due to poor rating in the ACR. The reply of the state respondents*

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	<p><i>indicates that overall rating of the Applicant in the ACR during the period from 2004-05 to 2008-09 was 1.52 and the overall rating during the period from 2005-06 to 2009-10 and during the period from 2006-07 to 2010-11 was low, though points of rating were not disclosed in the reply.</i></p> <p><i>Mr. S. N. Ray, Learned Counsel for the applicant contends that low rating of the Applicant in the ACR was never communicated to the applicant and the applicant was totally in the dark about the low rating of the ACR and as such, he was deprived of submitting any representation for up gradation of the rating in the ACR in due time to get the benefit of MCAS. On the other hand, Mr. A. L. Basu, Learned Counsel for the state respondents contends that the system of communication of low rating of ACR was not prevalent when the applicant was in service.</i></p> <p><i>In the above circumstances, we are of the view that the applicant should have been given the opportunity to submit representation against low rating of ACR, particularly when the applicant has been deprived of the financial benefit of MCAS due to low rating in the ACR. We are inclined to direct to the concerned respondent to consider the</i></p>	

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	<p><i>representation, if any, submitted by the applicant in connection with the low rating of the ACR. If proper justification is given by the applicant for up gradation of his rating in the ACR, the same must be taken into consideration by the concerned respondent by passing a reasoned order, so that, the case of the applicant may be reconsidered for getting the benefit of MCAS on the basis of memorandum no.3015- F dated March 13, 2001 issued by the Finance Department (Audit Branch), Government of West Bengal.</i></p> <p><i>In view of our above findings, the applicant is at liberty to submit representation before the respondent no. 1, the Principal Secretary, Department of Personnel and Administrative Reforms, Government of West Bengal within a period of four weeks from this date in connection with his low rating in the ACR and refusal to grant benefit of MCAS. If such representation is submitted by the applicant before the respondent no. 1 within a stipulated period of time, the respondent no. 1, the Principal Secretary, Department of Personnel and Administrative Reforms, Government of West Bengal is directed to consider the representation of the applicant in</i></p>	

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Rajat	<p><i>accordance with law by passing a reasoned order within a period of eight weeks from the date of submission of the representation by the applicant and to intimate the result of the same to the applicant and also to take necessary follow up action, if any, within a period of four weeks thereafter.</i></p> <p><i>With the above direction the original application stands disposed of.</i></p> <p><i>Let a plain copy of the order be supplied to both the parties.</i></p> <p><b>S. K. DAS</b> <b>MEMBER(A)</b></p> <p><b>R. K. BAG</b> <b>MEMBER(J)</b></p>	

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