

**ORDER SHEET**

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Present-**

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

**Case No – OA 1055 OF 2014**

Radha Gobinda Saha 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
14 14.11.2018	<p>For the Applicant : Mr. S.N. Ray, Learned Advocate.</p> <p>For the Respondent : Mrs. S. Agarwal, Learned Advocate.</p> <p>For the AG (A&amp;E),WB : Mr. B. Mitra, Departmental Representative.</p> <p>The applicant has prayed for direction upon the respondents for fixing pension and other retirement benefits on the basis of last basic pay of Rs.12,300/- per month on the date of superannuation on September 30, 2011.</p> <p>The applicant joined as a Peon under Directorate of Panchayats &amp; Rural Development, Government of West Bengal on the basis of order dated January 11, 2008 issued by the Commissioner, Panchayats &amp; Rural Development, West Bengal and retired from the post of Record Supplier of Directorate of Panchayats &amp; Rural Development, Government of West Bengal on September 30, 2011. The contention of the applicant is that his last basic pay on the date of superannuation should have been fixed at Rs.12,300/- per month on the basis of the order issued by the Commissioner, Panchayats &amp; Rural Development, West Bengal passed on August 4, 2011 (Annexure-C to the original application). The grievance of the applicant is that he is</p>	

# ORDER SHEET

Radha Gobinda Saha

Form No.

.....

**Vs.**

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

.....

Case No. **OA 1055 OF 2014**

getting pension and other retirement benefits on the basis of his last basic pay of Rs.11,590/- and thereby the applicant is deprived of the benefit of higher rate of pension and enhanced retirement benefits including family pension. Mrs. Agarwal, Learned Counsel representing the state respondents, has produced a copy of order dated September 3, 2012 issued by the Commissioner, Panchayats & Rural Development, West Bengal, whereby the basic pay of the applicant is shown as Rs.11,250/- on July 1, 2010. Mr. S.N. Ray, Learned Counsel for the applicant, has accepted the basic pay of the applicant as Rs.11,250/- on July 1, 2010. The admitted position is that the applicant got promotion to the post of Record Supplier on April 1, 2011 and consequently got promotional increment of Rs.340/- on April 1, 2011. In view of promotion of the applicant to the post of Record Supplier on April 1, 2011, the date of annual increment was changed to the month of April of the year 2012, but the applicant retired on September 30, 2011 and thereby he did not get the opportunity to earn further increment. As the fixation of pay of the applicant was wrongly done by the Commissioner, Panchayats & Rural Development, West Bengal by issuing order dated August 4, 2011 by taking into consideration the date of promotion of the applicant to the post of Record Supplier as on July 1, 2011, the said order was subsequently revised by the respondent no. 2, Commissioner, Panchayats & Rural Development, West Bengal by issuing fresh order on September 3, 2012 which is binding on the applicant.

**ORDER SHEET**

Radha Gobinda Saha

Form No.

.....

**Vs.**

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

.....

Case No. **OA 1055 OF 2014**

Sanjib	<p>We do not find any illegality or arbitrariness in making revision of previous order dated August 4, 2011 by the respondent no. 2.</p> <p>In view of our above findings, the applicant is not entitled to get any relief in the present application.</p> <p>The present application is, thus, <b>dismissed</b>.</p> <p>( S.K. DAS ) MEMBER(A)</p> <p>( R. K. BAG ) MEMBER (J)</p>	
--------	---	--