

ORDER SHEET
West Bengal Administrative Tribunal

Present.-
The Hon'ble Mrs. Urmita Datta (Sen)
&
The Hon'ble Dr. A. K. Chanda

Case No. **OA – 1077 of 2014**

Subir Kumar Deb & Others

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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22/03/2018

For the Applicants : Mr. Goutam Pathak Banerjee,
Advocate.

For the State Respondents : Mr. Soumendra Narayan Ray,
Advocate.

The instant application has been filed basically praying for benefit of Scale No.10 from the date of the appointment of the applicants.

According to the applicants, one draft Recruitment Rule for the post of Investigating Inspector was notified in the year 1979 and subsequently, during the year 1984 to 85, the applicants got appointment to the post of Investigating Inspector. In the meantime, 4th Pay Commission recommendation for granting of Scale No.10 benefit was made and applicants filed one OA 486 of 2009. The OA 486 of 2009 was disposed of with a direction to give the benefit of higher Pay Scale corresponding to the Scale No.10 of ROPA 1998 immediately from the date of publication of the Recruitment Rule and also directed the Finance Department to reconsider their view regarding granting of higher Pay Scale corresponding to Scale No.10 ROPA 1998 and to examine whether the applicants are eligible as per 4th Pay Commission

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	<p><i>recommendation and to take decision thereof.</i></p> <p><i>But, according to the Counsel for the applicant, neither any consideration was made to that effect nor they have granted any benefit of Scale No.10 of ROPA1998 from the date of their initial appointment. In the meantime, the Recruitment Rules came into existence in the year 2009.</i></p> <p><i>Being aggrieved, the applicants have filed the instant application.</i></p> <p><i>We have heard both the parties.</i></p> <p><i>During the course of the hearing, the Counsel for the respondents has only drawn our attention to the order dated 09.04.2013 of the Labour Department. However, after perusal of the said order, we do not find any such consideration as per direction of the earlier order of the Tribunal passed on 29.08.2011 in OA 486 of 2009 neither any averment has been made to that effect in the reply to the OA 486 of 2009.</i></p> <p><i>The Counsel for the respondents is also not in a position to explain the reasoning for not granting the said benefit. It is observed that the reasonings for non granting of the benefit of Scale No.10 of ROPA 1998 from the date of initial</i></p>	

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	<p><i>appointment of the applicants have not been disclosed, which is a crucial question to be determined in the instant OA. Due to non availability of such information, we are not in a position to dispose of the same at the stage.</i></p> <p><i>We direct the Respondents to file supplementary affidavit with a proper averment to that effect after giving reasonings for non allowing the benefit of the Sale No.10 to the applicants from the date of their initial appointment by four weeks after serving a copy to the applicant. The applicant is at liberty to make appropriate reply to the said supplementary affidavit by one week thereafter.</i></p> <p><i>Let the matter be listed for hearing on</i> 12.06.2018.</p> <p><i>Plain copy.</i></p> <p>Dr. A. K. CHANDA MEMBER(A)</p> <p>URMITA DATTA (SEN) MEMBER(J)</p>	

Rajat

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