

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

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

Case No – OA 1092 OF 2017

Surja Shekhar Maity & Others v/s **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;">06</p> <hr/> <p>13.09.2018</p>	<p><i>For the Applicants</i> : <i>Mr. A. Ray,</i> <i>Mrs. M. Bhowal,</i> <i>Learned Advocates.</i></p> <p><i>For the Respondents</i> : <i>Mr. G.P. Banerjee,</i> <i>Learned Advocate.</i></p> <p><i>For A.G.(A&E), W.B.</i> : <i>None</i></p> <p style="text-align: center;"><i>Supplementary affidavit filed on behalf of the applicants today is kept on record.</i></p> <p style="text-align: center;"><i>The grievance of two applicants is that their salary is reduced by re-fixation of pay and allowances by order dated October 16, 2016 issued by the Director, Bureau of Applied Economics and Statistics, Government of West Bengal (Annexure U to the original application) in terms of regularisation of service of the applicants in the post of Assistant Director from the date of approval of the Cabinet, though the applicants have got the benefit of pay scale for the post of Assistant Director long back. The applicant no. 1, Surja Shekhar Maity has already retired from service on April 30, 2018 after reduction of his salary by way of re-fixation of pay on the basis of the said order dated October 16, 2016.</i></p>	

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Mr. Ray, Learned Counsel for the applicants submits that pension has not been granted to the applicant no. 1 till date. He further submits that the applicant no. 1 may be granted provisional pension on the basis of last pay draw by him. It is relevant to point out that the last pay drawn by the applicant no. 1 is on the basis of reduction of salary by way of re-fixation of pay on the basis of order dated October 16, 2016. Mr. G.P. Banerjee, Learned Counsel representing the state respondents submits that provisional pension may be granted to the application no. 1 on the basis of last pay drawn.

In view of such submission from the Bar the respondent no. 5, the Director, Bureau of Applied Economics and Statistics, Government of West Bengal is directed to ensure disbursement of provisional pension in favour of the applicant no. 1, Surja Shekhar Maity on the basis of last pay drawn by him within a period of eight weeks from the date of communication of the order. This interim order is passed without causing in prejudice to the rights and contentions of the parties to be decided in the original application.

Liberty is given to the applicants to communicate this interim order to the concerned respondent within a period

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of one week from this date.

*List the matter under the heading "**Hearing**" on
10.01.2019.*

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

(S.K.DAS)
Member (A)

(R.K.BAG)
Member (J)

H.S