

ORDER SHEET
West Bengal Administrative Tribunal

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

Case No. OA 1163 of 2016

Saikat Bandopadhyay

Versus

The State of West Bengal & Ors.

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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01/08/2019

For the Applicant : Mrs. S. Mitra,
Ld. Advocate.

For the Respondent : N O N E.

The applicant has prayed for direction upon the respondents for higher fixation of pay of the applicant for the post of Panchayat Accounts and Audit Officer after taking into consideration the last pay drawn by the applicant as Job Assistant.

The applicant joined in the post of Job Assistant in the establishment of Block Development Officer, Chinsurah Mogra Development Block on the basis of the order dated March 09, 1995 issued by the Block Development Officer, Chinsurah Mogra Development Block. Subsequently, the applicant was selected for the post of Panchayat Accounts and Audit Officer and appointed for the said post on the basis of order dated March 05, 2007 issued by the Commissioner, Panchayats and Rural Development, Government of West Bengal. The applicant had drawn basic pay of ₹ 4575/- at the time of his release from the post of Job Assistant for joining the post of Panchayat Accounts and Audit Officer. The pay of the applicant was fixed at ₹ 4000/- in the scale of pay of ₹ 4000-125-4250-7050-200-8850/- plus other allowances admissible from time

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	<p>to time when he joined the post of Panchayat Accounts and Audit Officer. The grievance of the applicant is that his basic pay was should have been fixed at ₹ 4575/- which was drawn by him as last pay at the time of his release from the post of Job Assistant.</p> <p>None appears on behalf of the state respondents on call.</p> <p>Mrs. Mitra, Learned Counsel for the applicant contends that the applicant was selected for the post of Panchayat Accounts and Audit Officer while he was working as Job Assistant and as such the basic pay of the applicant should have been fixed at ₹ 4575/- which was the last pay drawn by him at the time of his release from the post of Job Assistant.</p> <p>On perusal of notification no. 9578-Panch dated June 08, 1979 issued by the Secretary to the Government of West Bengal, Department of Panchayats and Rural Development, we find that 50% of the vacancies of Panchayat Accounts and Audit Officer will be filled up by way of selection from the employees under the Directorate of Panchayats and its subordinate offices, employees of Zilla Parishad, (Non-technical), Panchayat Samiti and Gram Panchayats and 50% of the vacancies will be filled up by way of direct recruitment. On perusal of the method of recruitment to fill up the</p>	

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Csm	<p>post of Panchayat Accounts and Audit Officer we find that promotion is not the method of recruitment for filling up the posts of Panchayat Accounts and Audit Officer. Naturally, the post of Job Assistant held by the applicant before joining the post of Panchayat Accounts and Audit Officer is not the feeder post for promotion to the post of Panchayat Accounts and Audit Officer. Moreover, on perusal of copy of letter of appointment of the applicant for the post of Job Assistant, we find that the post of Job Assistant is not a government post and as such the last pay drawn by the applicant at the time of his release from the post of Job Assistant cannot be taken into consideration for fixation of basic pay of the applicant for the post of Panchayat Accounts and Audit Officer. In view of our above findings, we do not find any merit in the argument advanced on behalf of the applicant. As a result, the original application is dismissed.</p> <p>Let a Plain Copy of the order be supplied to the applicant.</p> <p>S. K. DAS MEMBER(A)</p> <p>R. K. BAG MEMBER(J)</p>	