

**ORDER SHEET**

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Present-**

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

**Case No – OA 125 OF 2013**

*Pradyot Kumar Sinha* Vs **The State of West Bengal & Ors.**

| Serial No. and Date of order.<br>1                            | Order of the Tribunal with signature<br>2                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Office action with date and dated signature of parties when necessary<br>3 |
|---------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|
| <p style="text-align: center;">19</p> <hr/> <p>06.09.2018</p> | <p><i>For the Applicant : Mr. A. Hati,<br/>Learned Advocate.</i></p> <p><i>For the Respondents : Mr. M.N. Roy,<br/>Learned Advocate.</i></p> <p style="text-align: center;"><i>The application has prayed for direction upon the respondents to grant pay scale to the applicant in terms of Notification No. 9461-F dated September 03, 1984 issued by Secretary to the Government of West Bengal, Department of Finance, Audit Branch on cancellation of order dated July 24, 2012 issued by the Principal Secretary to the Government of West Bengal, Department of Public Health Engineering, by which prayer of the applicant for getting higher scale of pay was refused.</i></p> <p style="text-align: center;"><i>The applicant was appointed as Operator under Worked Charge Establishment in the Directorate of Public Health Engineering in the pay scale of Rs. 230-5-275-7<sup>1/2</sup>-365-10-425/- plus admissible allowances under the rules. The applicant joined in the service on October 05, 1977 on the basis of letter dated September 24, 1977 issued by the Superintending Engineer, Central Circle, Public Health Engineering Directorate. The contention of</i></p> |                                                                            |

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*the applicant is that he was not granted pay scale of Rs. 280-617/- prescribed for Assistant Pump Operator under Notification dated September 03, 1984 issued by the Finance Department, Audit Branch, Government of West Bengal. The applicant approached the Tribunal by filing the present application in the year 2013 long after his retirement in the year 2002. On October 13, 2015, this Tribunal disposed of the present original application by setting aside the impugned order dated July 24, 2012 and by giving direction to the concerned respondent to give benefits of pay scale to the applicant on the basis of Notification dated September 03, 1984 issued by the Finance Department, Audit Branch, Government of West Bengal. The said order of the Tribunal was set aside by the Division Bench of the Hon'ble High Court on September 16, 2016 in WPST 160 of 2016. The Hon'ble High Court remanded the case of the Tribunal for fresh hearing as the previous order of the Tribunal was not supported by reasons. Accordingly, the present application is taken up for hearing by this Bench of the Tribunal.*

*It appears from the order of appointment of the applicant dated September 24, 1997 that the applicant was appointed as "Operator" under Worked Charge Establishment in scale of pay of Rs. 230-425/- plus*

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*admissible allowances. No pay scale is provided for the “Operator” in the Notification dated September 03, 1984 issued by the Finance Department, Audit Branch, Government of West Bengal. The entries made in the copy of the service book of the applicant (which is produced today on behalf of the applicant) indicate that the applicant joined on October 05, 1977 in the Office of Executive Engineer, Berhampore Division under Public Health Engineering Directorate in the post of “Operator (Mechanic)” in the pay scale of Rs. 230-425/- which was re-designated as “Mechanic” after introduction of ROPA 1981 with effect from April 01, 1981. The applicant is getting pay scale of the Mechanic under Directorate of Public Health Engineering. No specific pay scale is prescribed for the post of Operator in the Notification dated September 03, 1984 issued by the Finance Department, Audit Branch, Government of West Bengal. We cannot persuade ourselves to give the benefit of the said Notification to the applicant, particularly when the applicant was appointed as Operator (Mechanic) which was subsequently re-designated as Mechanic with effect from April 01, 1981.*

*In view of our above findings, we do not find any illegality or arbitrariness in passing the order dated July 24, 2012 by the Principal Secretary to the*

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*Government of West Bengal, Department of Public Health  
Engineering.*

*As a result, the present application is dismissed.*

**( S.K.DAS )  
Member ( A )**

**( R.K.BAG )  
Member ( J )**

*H.S*