

**ORDER SHEET**

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Present-**

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

**Case No – OA 1342 of 2014**

Nasi Ram Jash & Ors. 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
24 27.06.2019	<p>For the Applicants : Ms. S. Bose, Learned Advocate.</p> <p>For the Respondent Nos. 1 &amp; 4 : Mr. S. Bhattacharjee, Departmental Representative.</p> <p>For the Respondent Nos. 2 &amp; 3 : Mr. M.N. Roy, Learned Advocate.</p> <p>The applicants have prayed for direction upon the respondents to grant them pay scale no. 2 (Rs.230-415) under ROPA 1981 after setting aside order dated May 12, 2009 issued by the respondent no. 2.</p> <p>The contention of the applicants is that they joined as Chainman under the Department of Land &amp; Land Reforms, Government of West Bengal on different dates during the period from 1990-91. The further contention of the applicants is that they moved the Tribunal previously by filing OA-1147 of 2002, whereby the Tribunal directed the respondent no. 1 to consider the representations submitted by the applicants by passing a reasoned order. The respondent no. 1 passed a reasoned order on April 17, 2009 in compliance with the direction given by the Tribunal in OA-1147 of 2002. The respondent no. 1 did not take final decision regarding grant of pay scale to the applicants as</p>	

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Chainman under ROPA 1981, as the final decision in this regard can be taken only by the Finance Department, Government of West Bengal. Ultimately, the issue of grant of pay scale no. 2 under ROPA 1981 in favour of the applicants as Chainman was referred to the Finance Department, Government of West Bengal. On May 12, 2009, the respondent no. 2 turned down the claim of the applicants to receive scale no. 2 under ROPA 1981 by passing a reasoned order. The said reasoned order of the Department of Finance, Government of West Bengal passed on May 12, 2009 is under challenge in the present application.

Learned Counsel for the applicants contends that the duty discharged by the applicants as Chainman under the Department of Land & Land Reforms, Government of West Bengal needs more skill than the duty discharged by Group-D employee and as such the applicants are entitled to get higher pay scale than the pay scale granted to Group-D employee working in different departments of the Government of West Bengal. She further contends that the successive Pay Commission did not take into consideration the issue of enhancement of pay scale of the Chainman working under the Department of Land & Land Reforms, Government of West Bengal and as such the higher pay in the form of scale no. 2 under ROPA 1981 should have been granted in favour of the applicants as Chainman under the Department of Land & Land Reforms, Government of West Bengal. On the other hand, the

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Departmental Representative of the respondents submits that no special skill is required for discharge of duty by the Chainman of the Department of Land & Land Reforms and as such grant of scale no. 1 under ROPA 1981 as granted to Group-D employees is fully justified as reflected in the impugned order dated May 12, 2009.

On consideration of the order dated April 17, 2009 issued by the respondent no. 1 and the order passed by the respondent no. 2 on May 12, 2009, we find that the duty discharged by the applicants as Chainman does not require special skill. Nothing is on record to indicate that special skill is required for discharge of duty of the applicants as Chainman under Department of Land & Land Reforms. No document is forthcoming before the Bench to justify that the procedure of recruitment, eligibility criteria for appointment, nature of duty and hierarchical position of the Chainman in the Department of Land and Land Reforms, Government of West Bengal is different from that of Group-D employee working in different departments of the Government of West Bengal.

Accordingly, we do not find any merit in the submission made on behalf of the applicants that the discharge of the duty by the Chainman requires special skill. The logical inference of our above observation is that the applicants are not entitled to get higher pay scale no. 2 under ROPA 1981 as prayed for. We

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Sanjib	<p>do not find any illegality or arbitrariness in the impugned order under challenge in the present application.</p> <p>As a result, the original application is <b>dismissed</b>.</p> <p>Let a plain copy of this order be supplied to both parties.</p> <p>( S.K. DAS ) MEMBER(A)</p> <p>( R. K. BAG ) MEMBER (J)</p>	
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