

**ORDER SHEET**  
**West Bengal Administrative Tribunal**

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

**Case No. OA 194 of 2019**

Dulal Manna

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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04  
14/08/2019

**For the Applicant** : Mr. M.N. Roy,  
Mr. G. Halder,  
Ld. Advocates.

**For the State Respondent :** Mrs. S. Mitra,  
Ld. Advocate.

The applicant has prayed for direction upon the respondents for granting him benefit of Pay Band No. 3 (Scale of pay of ₹ 7,100/- - ₹ 37,600/- with Grade Pay of ₹ 3,600/-) instead of present Pay Band No. 2 (Scale of pay of ₹ 5,400/- - ₹ 25,400/- and Grade Pay of ₹ 2,900/-).

The contention of the applicant is that the applicant got promotion to the post of Zilladar on the basis of order dated October 04, 2016 issued by the Director of Personnel and Ex-Officio Chief Engineer, Irrigation and Waterways Directorate, Government of West Bengal and drawing salary in Pay Band No. 2 with Grade Pay of ₹ 2,900/- w.e.f. January 01, 2016. The further contention of the applicant is that some of his colleagues holding the post of Zilladar got higher un-revised scale no. 9 in terms of the order issued by the Secretary to the Government of West Bengal, Department of Irrigation and Waterways in compliance with the direction given by the Tribunal in OA-4802/2008. The applicant submitted representation before the respondent no. 3 on

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	<p>November 27, 2018 (annexure 'E' to the original application) praying for grant of higher Pay Band No. 3 with Grade Pay of ₹ 3,600/- plus allowances admissible to him under the rules with effect from the date of his joining as Zilladar, but the said representation is pending for consideration till date.</p> <p>Having heard Learned Counsel representing both parties and on consideration of the materials on record, we find that the respondent no. 3 previously issued one reasoned order on August 11, 2009 for granting higher scale of pay to some of the Zilladars who moved the Tribunal by filing OA-4802/2008 (Biplab Kumar Sikder &amp; Ors. V The State of West Bengal &amp; Ors.) but the said order was passed for grant of un-revised scale no. 9 to some of the Zilladars as there was anomaly in granting scale of pay to the Zilladars at the relevant point of time in terms of ROPA Rules, 1981, ROPA Rules, 1990 and ROPA Rules, 1998. In the present case, the applicant has been drawing salary after promotion in Pay Band No. 2 in terms of ROPA Rules, 2009. Since the representation submitted by the applicant before the respondent no. 3 for stepping up of salary of the applicant by grant of Pay Band No. 3 has not yet been considered and since the decision in this regard can</p>	

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	<p>be taken by the Departmental Secretary in consultation with the Finance Department, Government of West Bengal, we are of the view that the Departmental Secretary should take a decision about entitlement of the applicant to get Pay Band No. 3 after his promotion to the post of Zilladar.</p> <p>In view of our above findings, the respondent no. 1, Secretary to the Government of West Bengal, Department of Irrigation and Waterways is directed to take a decision about the entitlement of the applicant to receive salary in Pay Band No. 3 (Scale of pay of ₹ 7,100/- - ₹ 37,600/- with Grade Pay of ₹ 3,600/-) after his promotion to the post of Zilladar on the basis of the representation submitted by the applicant before the respondent no. 3, Director of Personnel and Ex-Officio Chief Engineer, Department of Irrigation and Waterways on November 27, 2018 in accordance with law and in consultation with the Department of Finance, Government of West Bengal within a period of 16 (sixteen) weeks from the date of communication of the order and communicate the result of the same to the applicant within a period of 04 (four) weeks thereafter.</p> <p>The applicant is directed to serve a copy of the</p>	

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Csm	<p>present order, a copy of the original application containing all annexures including representation dated November 27, 2018 on the respondent no. 1 by speed post within a period of 02 (two) weeks from this date, in default the direction given to the respondent no. 1 will be infructuous. With the above direction, the original application stands <b>disposed of</b>.</p> <p>Let a <b>Plain Copy</b> of the order be supplied to both parties.</p> <p><b>S. K. DAS</b> <b>MEMBER(A)</b></p> <p><b>R. K. BAG</b> <b>MEMBER(J)</b></p>	