

ORDER SHEET
West Bengal Administrative Tribunal

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

Case No. **OA-342 of 2017**

Asok Mukherjee

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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04/04/2019

For the Applicant : Mr. A. Banerjee,
Ld. Advocate.

For the State Respondent : Mr. S.N. Ray,
Ld. Advocate.

The applicant has prayed for direction upon the respondents for grant of benefit of Modified Career Advancement Scheme (in short, MCAS) in terms of Memo no. 3015-F Dated March 13, 2001 issued by the Finance Department, Audit Branch, Government of West Bengal for completion of 08 (eight) years of service.

It appears from the materials on record that the applicant joined in the post of Deputy Director of Textiles (Sericulture), Government of West Bengal on July 30, 2013. The contention of the applicant is that he was entitled to get benefit of MCAS on completion of 08 (eight) years of service on July 29, 2001, but the said financial benefit was denied to the applicant. The materials on record indicate that on August 29, 2000 the disciplinary proceeding was initiated against the applicant on the ground of misconduct and the said disciplinary proceeding ended in imposition of

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	<p>punishment on May 29, 2007. The disciplinary authority imposed punishment of reduction of time-scale of the applicant by one stage for 02 (two) years with cumulative effect and postponement of further increment in the scale of pay in terms of Rule 08 (iv) of the West Bengal Services (classification, control and appeal) Rules, 1971. The other punishment imposed on the applicant by the disciplinary authority is for recovery of 1/4th defalcated sum of money from the applicant in terms of Rule 08 (iii) of the West Bengal Services (classification, control and appeal) Rules, 1971. The said order of punishment attained finality without being set aside either by the Appellate Authority or by the competent Court of Law. In view of our above observation, we can safely hold that the applicant did not render satisfactory service for a period of 08 (eight) years from the date of joining and he did not fulfill the norms for grant of promotion to next higher scale within the period of 08 (eight) years from the date of joining in the service.</p> <p>The provisions laid down in paragraph 2 of memo no. 3015-F dated March 13, 2001 issued by the Finance Department, Audit Branch, Government of West Bengal clearly point out that the government employee is entitled to get benefit of MCAS on</p>	

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Csm	<p>completion of continuous and satisfactory service for a period of 08 (eight) years and on fulfillment of norms for grant of promotion to the next higher scale. In view of imposition of punishment on the applicant by the disciplinary authority within a period of 08 (eight) years from the date of joining in the service, we are of the view that the applicant did not fulfill the conditions of rendering satisfactory service and norms for grant of promotion to the next higher scale as laid down in memo dated March 13, 2001 and thereby the applicant is not entitled to get benefit of MCAS as contended 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 both parties.</p> <p style="text-align: center;">S. K. DAS MEMBER(A)</p> <p style="text-align: center;">R. K. BAG MEMBER(J)</p>	