

ORDER SHEET**WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-**

The Hon'ble Justice Soumitra Pal (Chairman)
& The Hon'ble Mr. Subesh Kumar Das (Administrative Member)

Case No – OA 353 OF 2020

TUSHAR KANTI ROY CHOWDHURY 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 |
|------------------------------------|---|--|
| <p>2</p> <hr/> <p>07.12.2020</p> | <p>For the Applicant : Mr. M.N. Roy, Mr. G. Haldar, Advocates</p> <p>For the Respondents: Mrs. S. Agarwal, Advocate</p> <p>For the A.G., W.B. : Mr. B. Mitra, Departmental Representative</p> <p>Let affidavit of service filed today be kept on record.</p> <p>In the application, Tushar Kanti Roy Chowdhury, the applicant has prayed for certain reliefs, the relevant portion of which is as under:</p> <p>“(a) An order do issue directing the respondent authorities to revise the pension and pensionary benefits of your applicant arising out of re-fixation of pay of his in terms of Revision of Pay and Allowances, Rules 2009 (ROPA 2009) in the Pay Band – 4 of Rs. 9000-40,500/- with Grade Pay of Rs. 4,400/- and to disburse the revised pension, arrear of pension and other revised retirement benefits within a stipulated time period as this Hon'ble Tribunal deems fit and proper in the interest of Justice.</p> | |

ORDER SHEET

| 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 |
|------------------------------------|--|--|
| | <p>(b) An further order do issue directing the respondent authorities to further re-fix the pension of the applicant in terms of ROPA 2019 and to disburse the revised arrear pension and regular revised pension within a stipulated time period.</p> <p>(c) An order do issue directing the respondent authorities to allow your applicant to draw the revised pension as your applicant, was also one of the applicant in the aforesaid original Application being O.A. No.1287 of 2010.</p> <p>(d) An further order to issue directing the concerned respondent authorities to allow and disburse your applicant's arrear dues @ 18% per annum till the actual date of realization of the same.”</p> <p>It is submitted by Mr. M.N. Roy, learned advocate for the applicant that though the applicant by order dated 6th March, 2013 was allowed the pay scale of Rs.380 – 910/- under ROPA 1981 and as the name of the applicant appears against serial no.6 at page 16 and though by order dated 15th March, 2013 the applicant was one of the 54 petitioners designated as Fitter Mechanic as mentioned in annexure-I and was allowed scale no. 9 (Rs.380 – 910) under ROPA 1981 and though by order dated 10th April, 2014 the applicant was given consequential relief with effect from 6th March, 2013 and by order dated 1st October, 2019 the</p> | |

ORDER SHEET

| 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 |
|------------------------------------|---|--|
| | <p>Director of Agriculture & Ex-Officio Secretary, West Bengal, Department of Agriculture directed to re-fix pay of the applicant as per office memo dated 10th April, 2014, and to send the service book of the applicant to the Principal Accountant General, West Bengal for enhancement of pension after necessary entries of re-fixation in the service book, and though fixation was done as evident from pages 22 and 23 of the application and though papers were submitted before the Principal Accountant General, West Bengal, as evident from page 24 of the application, however, the Senior Accounts Officer, Pen III had returned the papers with the following observations :</p> <p>“1 In response to your memo no. 1598 dated 11.11.2019, it is to mention here that the incumbent being one of the petitioner in O.A. No. 1287 of 2010, was allowed the scale no.9 notionally w.e.f. 01.04.1981 and actually w.e.f. 06.03.2013, the modus operandi for allowing CAS benefit i.e. 10 Yrs CAS in the scale no.10, 20 Yrs CAS benefit in scale no.11 & 25 Yrs CAS benefit in scale no.12 to the incumbent in the subject pension case is not clear.</p> <p>2 In view of the above, the matter may please be pursued with the Finance Department (Audit) branch for their views in this respect. All the enclosed returned documents including the Service Book of the incumbent,</p> | |

ORDER SHEET

| 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 |
|------------------------------------|---|--|
| | <p>after compliance of all the above observations, need to be furnished alongwith govt. order in this regards.”</p> <p>Submission is that since the Directorate has allowed the pay scale of the applicant, the Principal Accountant General, West Bengal, does not have the jurisdiction to withhold the same or to send for rectification.</p> <p>Mrs. S. Agarwal, learned advocate on behalf of the respondents submits that the intimation dated 12th December, 2019 issued by the Senior Accounts Officer, Pen III, being Annexure “E” to the application, is just and proper.</p> <p>Mr. B. Mitra, departmental representative for the Principal Accountant General, West Bengal, the respondent no.5 adopts submission of Mrs. Agarwal. Further, however, opposes the submission of the applicant that the Accountant General, West Bengal does not have the jurisdiction to ask for rectification.</p> <p>In reply Mr. Roy submits that leave may be granted to the applicant to file a representation before the Additional Chief Secretary, Department of Agriculture, Nabanna, Howrah, the respondent no.1 ventilating his grievances.</p> <p>Having heard learned advocates for the parties and considering the facts and circumstances of the case, the application is disposed of by granting liberty to applicant to file a representation, annexing copies of the relevant</p> | |

ORDER SHEET

| 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 |
|------------------------------------|--|--|
| SCN. | <p>documents, before the Additional Chief Secretary, Department of Agriculture, Government of West Bengal, Nabanna, Howrah, the respondent no.1 within eight weeks from the date of presentation of a copy of this order. If representation is filed within the time as stipulated, Additional Chief Secretary, Department of Agriculture, Government of West Bengal, Nabanna, Howrah, the respondent no.1, shall dispose of the same by passing a reasoned order to be communicated to the parties within ten weeks after giving an opportunity of hearing and after taking a report or consent from the Additional Chief Secretary, Finance Department, Government of West Bengal, Nabanna, Howrah, the respondent no.2.</p> <p>Since for circumstances beyond control the Registry is unable to furnish plain copies of this order to the learned advocates for the parties, the Registry is directed to upload this order on the website of the Tribunal forthwith and parties are directed to act on the copies of the order downloaded from the website.</p> <p>(S.K. Das) MEMBER (A)</p> <p>(Soumitra Pal) CHAIRMAN</p> | |