

ORDER SHEET
West Bengal Administrative Tribunal

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

Case No. **OA-37 of 2018**

Subodh Kumar Banerjee

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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11/12/2019

For the Applicant : Mr. T. Chowdhury,
Ms. R. Mukherjee,
Learned Advocates.

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

For the A.G., W.B. : Mr. B. Mitra,
Depttl. Representative.

The applicant has prayed for direction upon the respondents for stepping up of pay of the applicant and consequential enhancement of the pension after setting aside letter dated September 24, 2016 issued by the Block Medical Officer of Health, Srirampur Rural Hospital, by which the said Block Medical Officer of Health declined to forward the representation submitted by the applicant before the higher authority.

The applicant retired from service as G.D.A. from the establishment of the respondent no. 7, Block Medical Officer of Health, Srirampur, Purbasthali-I on January 31, 2010. The pay of the applicant was stepped up to ₹ 19,900/- w.e.f. July 01, 2008 in order to make the pay equal to his immediate junior Kshudiram Santra, but the concurrence of the Finance Department was not obtained as recorded in the Service Book of the applicant. The applicant decided to forego the claim of stepping up of pay after retirement from service in order to facilitate the process of payment of pension and other retirement benefits, and thereby he had to agree for

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	<p>recovery of ₹ 1,317/- from his retirement benefits as overdrawn amount. Subsequently, the applicant pursued his claim for stepping up of the pay to make the same equal to his immediate junior Kshudiram Santra and the same was pending for consideration before Directorate of Health Services, West Bengal from the year 2015. The applicant is aggrieved for not forwarding his representation by the respondent no. 7, Block Medical Officer of Health, Srirampur Rural Hospital on the ground that the applicant had already given up the claim for stepping up of the pay.</p> <p>Having heard Learned Counsel for the applicant, Learned Counsel for the state respondents and the Departmental Representative of the respondent A.G., W.B. and on consideration of the materials on record, we find that the respondent no. 7, Block Medical Officer of Health, Srirampur Rural Hospital had already forwarded the case of the applicant for stepping up of the pay to the Deputy Director of Health Services (Administration), Government of West Bengal on April 13, 2015 (annexure 'E' to the original application). Nothing is on record to indicate that the Directorate of Health Services has acted upon the said letter dated April 13, 2015 till date. Since the case of the applicant has already been forwarded to the Directorate of Health Services, it is the bounden duty of the Director of Health Services to act upon the said letter in order to come to a decision</p>	

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	<p>whether the applicant is entitled to get the benefit of stepping up of pay at par with his immediate junior Kshudiram Santra and take necessary action after obtaining approval from the Finance Department, Government of West Bengal.</p> <p>Under the above circumstances, we direct the respondent no. 4, Director of Health Services, Government of West Bengal to take a decision whether the applicant is entitled to get benefit of stepping up of pay at par with his junior Kshudiram Santra on the basis of letter dated April 13, 2015 addressed to the Director of Health Services (Administration), Government of West Bengal by the Block Medical Officer of Health, Srirampur Rural Hospital (annexure 'E' to the original application) after obtaining necessary approval from the Finance Department, if necessary, within a period of 16 (sixteen) weeks from the date of communication of the order and take necessary follow-up action within a period of 04 (four) weeks thereafter.</p> <p>With the above direction, the original application stands disposed of.</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>	

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