

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

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

Case No. **OA - 490 of 2014**

Swadesh Ranjan Mahapatra

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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18  
28/02/2019

**For the Applicant**

: Mr. B.P. Mondal,  
Ld. Advocate.

**For the State Respondent :**

Mr. R.A. Chowdhury,  
Ld. Advocate.

The applicant has prayed for direction upon the respondents for granting him Scale No. 10 (Rs. 4500-9700/-) in terms of West Bengal Services (Revision Of Pay and Allowances) Rules, 1998 (in short, ROPA, 1998) with retrospective effect from January 01, 1996 and other consequential reliefs.

It appears from the materials on record that the applicant retired from the post of Panchayat Accounts & Audit Officer on October 31, 2004 from the establishment of the respondent no. 4, Block Development Officer, Tamluk Development Block No. II. The contention of the applicant is that he is entitled to get Scale No. 10 in terms of ROPA, 1998 w.e.f. January 01, 1996. The present application is filed by the applicant on September 03, 2014 i.e. almost after 10 (ten) years from the date of retirement of the applicant.

Apparently, the present application is barred u/s 21 of the Administrative Tribunals Act, 1985, as the applicant has not approached the Tribunal within a period of 1 (one) year after the date of retirement of the applicant. Relying on a decision of Learned Single Judge of the Hon'ble High Court in "Bholanath Roy & Others

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	<p>Vs Union of India &amp; Others” reported in 2017(3) CLJ (Cal), Learned Counsel for the applicant submits that the Writ Petition of the petitioners was entertained by the Hon’ble High Court with regard to fixation of pay after retirement of the petitioners of the said Writ Petition. In “Bholanath Roy &amp; Others Vs Union of India &amp; Others (Supra)” revision of pay was initially set aside on March 19, 1996 which was assailed by several Writ Petitions before the Hon’ble High Court from time to time and finally the same was disposed of by the Division Bench of the Hon’ble High Court on April 06, 2011. The writ petitioners of “Bholanath Roy &amp; others” (Supra) prayed for the relief based on the direction given by the Division Bench of the Hon’ble High Court on April 06, 2011 and as such the delay in approaching the Hon’ble High Court was not fatal to the writ petitioners.</p> <p>In the instant case, the applicant has prayed for pay scale no. 10 w.e.f. January 01, 1996. Naturally, the cause of action for getting pay scale no. 10 of the applicant arose on January 01, 1996. The applicant was silent from January 01, 1996 till the date of his retirement from the service on October 31, 2004. Even assuming for argument’s sake that the cause of action arose from January 01, 1996 was continuing cause of action, the said continuing cause of action came to a halt on the date of retirement of the applicant from service on October 31, 2004. The applicant never</p>	

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Csm	<p>ventilated his grievance before the authority concerned from the date of retirement on October 31, 2004 till the date of filing the present application before the Tribunal on September 03, 2014, except submitting representation through Learned Advocate on September 16, 2013. The applicant woke up from the deep slumber and submitted a representation after nine years of retirement presumably for the purpose of approaching the Tribunal on September 03, 2014. Since the applicant has prayed for pay scale no. 10 after lapse of long 10 (ten) years of retirement from service, we are constrained to hold that ratio of “Bholanath Roy &amp; Others Vs Union of India &amp; Others (Supra)” cannot apply in the facts of the present case. The present application is clearly barred u/s 21 of the Administrative Tribunals Act, 1985.</p> <p>No explanation is forthcoming from the applicant for condonation of inordinate delay of almost 10 (ten) years in approaching the Tribunal. Nor has the applicant filed any application u/s 21(3) of the Administrative Tribunals Act, 1985 for condonation of delay. As a result, the original application is <b>dismissed</b>.</p> <p>Let a <b>Plain Copy</b> of the order be supplied to both parties.</p> <p style="text-align: center;"><b>S. K. DAS</b> <b>MEMBER(A)</b></p> <p style="text-align: center;"><b>R. K. BAG</b> <b>MEMBER(J)</b></p>	