

**ORDER SHEET**

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Present-**

**The Hon'ble JUSTICE RANJIT KUMAR BAG  
& The Hon'ble DR. SUBESH KUMAR DAS**

**Case No – OA 504 OF 2012**

*Krishna Chandra Sarkar* 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
03 <hr/> 21.08.2019	<p><i>For the Applicant : Mr. A. Hati, Learned Advocate.</i></p> <p><i>For the State Respondents : None</i></p> <p><i>The applicant has prayed for direction upon the respondents for grant of scale of pay in terms of West Bengal Services (Revision of Pay and Allowances) Rules, 1981 (In short, ROPA Rules, 1981) as amended by notification no. 9481-F dated September 03, 1984 issued by the Finance Department, Audit Branch, Government of West Bengal.</i></p> <p><i>The applicant joined in the service as Pump Operator in the establishment of the respondent no. 5, Executive Engineer, (East Circle Mechanical Division), Public Health Engineering Directorate on April 20, 1976 in the scale of pay of Rs. 180-350/-. The scale of pay of the applicant was fixed at Rs. 280-617/- with effect from April 02, 1981 in terms of ROPA Rules, 1981. The contention of the applicant is that he studied up to class XI at the time of entry into service as Pump Operator and as such he should be treated as candidate who joined in the service after passing School Final Examination. The further contention of the applicant is that he is entitled to get scale of pay of Rs. 300-685/- in terms of ROPA Rules,</i></p>	

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*1981 as amended by notification no. 9481-F dated September 03, 1984 issued by the Finance Department, Audit Branch, Government of West Bengal. The grievance of the applicant is that he has been deprived of scale of pay of which he was entitled in terms of notification dated September 03, 1984.*

*Mr. Hati, Learned Counsel for the applicant contends that the applicant studied up to class XI at the time of entry into service as Pump Operator and as such he should be treated as a candidate who passed School Final Examination at the time of entry into service. The notification dated September 03, 1984 issued by the Finance Department, Audit Branch, Government of West Bengal indicates that the Assistant Pump Operator working in the Engineering Department and other offices of Government of West Bengal are entitled to get scale of pay of Rs. 300-685/- in terms of ROPA Rules, 1981 as amended by notification no. 9481-F dated September 03, 1984. None appears on behalf of the state respondents on call.*

*The issue for consideration of the Tribunal is whether the applicant is entitled to get scale of pay of Rs. 300-685/- on the ground of passing School Final Examination at the time of entry into service as Pump Operator. The system of passing School Final*

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*Examination or Matriculation Examination was in vogue when the applicant was studied in the school. The entries made in the copy of the service book annexed to the original application indicate that the applicant studied up to class XI at the time of entry into service. Apparently, it appears that the applicant did not pass School Final Examination or Matriculation Examination at the time of entry into service, though he studied upto class XI as per school living certificate produced by him at the time of entry into service. Since the applicant did not pass School Final or Matriculation Examination, we cannot persuade ourselves to hold that the applicant is entitled to get the benefit of scale of pay of Assistant Pump Operator who passed School Final Examination at the time of entry into service.*

*In our view the applicant is not entitled to get scale of pay of Rs. 280- 617/- which he enjoyed w.e.f. April 02, 1981.*

*In view of our above findings, we cannot persuade ourselves to hold that the applicant is entitled to get scale of pay of Rs. 300-685/- as prayed for. As a result, the original application is dismissed.*

H.S

( S.K.DAS)  
Member ( A)

( R.K.BAG)  
Member (J)