

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

**The Hon'ble Justice Soumitra Pal
& The Hon'ble Subesh Kumar Das**

Case No – OA 530 OF 2016

Swapan Kumar Sadhu 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 style="text-align: center;">12</p> <hr/> <p style="text-align: center;">31.01.2019</p>	<p><i>For the Applicant : Mr. S.N. Ray, Mr. P.K. Sanyal, Learned Advocates.</i></p> <p><i>For the Respondents : Mr. S. Ghosh, Learned Advocate.</i></p> <p>For the AG, WB : Mr. B. Mitra, Depttl. Rep.</p> <p><i>In this application, Swapan Kumar Sadhu the applicant, has prayed for a direction upon the respondents particularly on the Director of Personnel & Ex-Officio Chief Engineer, Irrigation & Waterways Directorate, Kolkata, the respondent no. 2 to approve pay protection that is pay to the applicant at par with the pay of the private respondent – Samar Kumar Chatterjee, the respondent no. 5. Mr. S.N. Ray, learned advocate for the applicant submits that since it has been established that such anomaly in pay and allowances arose from July 1, 2009 appropriate order may be passed directing the respondent authorities to grant pay protection.</i></p> <p><i>Mr. S. Ghosh, learned advocate appearing on behalf of the state respondents, submits that if directed, the respondent authorities shall consider the case in accordance with law.</i></p> <p><i>Having heard Mr. Ray, and Mr. Ghosh, and</i></p>	

ORDER SHEET

Swapan Kumar Sadhu

Form No.

Vs.

The State of West Bengal & Ors.

Case No. – OA 530 OF 2016

considering the facts and circumstances of the case, since we find that the applicant got lower pay than the private respondent no. 5 from July 1, 2009 and the anomaly continued till the retirement of the applicant on November 30, 2009, this application is disposed of by directing the Director of Personnel & Ex-Officio Chief Engineer, Irrigation & Waterways Directorate, Kolkata, the respondent no. 2 to take necessary steps for stepping up the pay of the applicant at par with the private respondent no. 5 who was junior to the applicant. Thereafter, the authorities will calculate the arrear pay upon re-fixation if admissible, from the respective date of retirement and disburse the same to the applicant. Any amount if recovered from the applicant while disallowing the pay protection given earlier shall also be refunded to the applicant as he is now entitled to get pay protection. The entire exercise which is directed by us shall have to be completed by the respondent no. 2 within a period of twelve weeks from the date of presentation of a copy of this order.

(S.K.DAS)
Member (A)

(SOUMITRA PAL)
Chairman

H.S/CSM/SS