

**ORDER SHEET**

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Present-**

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

**Case No – OA 612 OF 2019**

*Jamaluddin Molla* 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
05 <hr/> 28.02.2020	<p><i>For the Applicant : Ms. S. Hasin, Learned Advocate.</i></p> <p><i>For the State Respondents : None</i></p> <p><i>For A.G.(A&amp;E), W.B. : Mr. B. Mitra, Departmental Representative.</i></p> <p style="text-align: center;"><i>The applicant has prayed for direction upon the respondents for giving effect to the order of pay protection granted in favour of the applicant on February 22, 2017 and release of revised pension and other retirement benefits.</i></p> <p style="text-align: center;"><i>The applicant retired from the post of Assistant Director of Fisheries on January 31, 2010. Subsequently he moved original application (OA 1064 of 2014) before this Tribunal, which was disposed of on December 16, 2015. This Tribunal gave direction for granting pay protection to the applicant at par with one Laxmi Narayan Konar being junior to the applicant in service and grant him revised pensionary benefit after re-fixation of pay. It is contended on behalf of the applicant that the applicant had to move contempt application as the concerned respondents did not comply with the direction given by the</i></p>	

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*Tribunal. Ultimately, the contempt proceeding was dropped when the Commissioner in the Department of Fisheries, Government of West Bengal issued the order of pay protection on February 14, 2017. It is crystal clear for the said order communicated under letter dated February 14, 2017 issued by the Commissioner, Department of Fisheries, Government of West Bengal that the pay of the applicant was stepped up at Rs. 23,400/- w.e.f July 01, 2006 in the Pay Band of Rs. 9,000/-- 40,500/- with Grade Pay of Rs. 4,800/- to make the same at par with his immediate junior Shri Lakshmi Narayan Konar under Directorate of Fisheries, Government of West Bengal.*

*Learned Counsel for the applicant submits that the respondents have not yet given benefit of pay protection order dated February 02, 2017 by way of re-fixation of pay and release of revised pension and other revised pensionary benefits in favour of the applicant.*

*None appears on behalf of the state respondents inspite of service of notice. The departmental representative of the A.G., West Bengal submits that the office of the respondent A.G. received an order of re-fixation of pay of the applicant, but the same was returned to the concerned authority due to mistake in re-fixation of pay of the applicant. He further submits that no further response has yet been received from the pension*

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*sanctioning authority of the applicant.*

*Under the above circumstances, we are of the view that the respondent no. 3, Director of Fisheries, Government of West Bengal should take immediate follow up action for re-fixation of pay of the applicant in terms of the order of pay protection which was communicated to him by the Commissioner, Department of Fisheries, Government of West Bengal on February 14, 2017 (Annexure P13 to the original application). The respondent no. 3 should also take necessary action for issuance of revised pension and other revised pensionary benefits in favour of the applicant within stipulated period of time.*

*In view of our above observations, we direct the respondent no. 3, Director of Fisheries, Government of West Bengal to take necessary steps for re-fixation of pay of the applicant in terms of the order of pay protection communicated to him by the Commissioner, Department of Fisheries, Government of West Bengal on February 02, 2017 within a period of 8 (eight) weeks from the date of communication of the order. The said respondent no. 3 is further directed to take all necessary steps for release of revised pension and other revised pensionary benefits on the basis of re-fixation of pay in favour of the applicant within a period of 8 (eight) weeks from the date of re-fixation of pay of the applicant.*

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<p><i>H.S</i></p>	<p><i>With the above direction, the original application is disposed of.</i></p> <p><i>Let a plain copy of the order be supplied to both parties.</i></p> <p><b>( S.K.DAS )</b> <b>Member ( A )</b></p> <p><b>( R.K.BAG )</b> <b>Member ( J )</b></p>	
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