

ORDER SHEET
West Bengal Administrative Tribunal

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

Case No. **OA-623 of 2017**

Prodip Kumar Sinha & Ors.

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.

1

2

3

10

18/04/2019

For the Applicant : Mr. M.N. Roy,
Ld. Advocate.
For the State Respondent : Mr. S. Bhattacharyya,
Depttl. Representative.

The applicants have prayed for direction upon the respondents for implementation of the order dated January 24, 2011 passed by this Tribunal in OA-904/2008 and for extension of the benefit of pay protection and other financial benefits to the applicants on consideration of their seniority w.e.f. November 11, 1994.

The applicants previously approached this Tribunal by filing OA-904/2008 praying for direction upon the respondents of the said original application to treat the date of their appointment in the service w.e.f. the date when their immediate juniors in the panel prepared on merit was given appointment. On January 24, 2011 the Tribunal disposed of OA-904/2008 by giving specific direction for fixation of the date of appointment of the applicants by passing the following order:

“Thus, on hearing both parties, we allow this application by directing the appointing authority to

ORDER SHEET – (Continuation)

Form No.

Prodip Kumar Sinha & Ors.
.....

Vs

The State of West Bengal & Others.
.....Case No. **OA-623 of 2017**

| 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>treat the date of appointment of the petitioners from the date when their immediate junior in the panel prepared on merit was given appointment without giving them any financial benefit whatsoever, but the changed appointment dates shall be taken into consideration for their future service benefits”.</p> <p>The above order passed by the Tribunal in OA-904/2008 was challenged before the Hon’ble High Court by filing W.P.S.T. No. 131 of 2014. By passing an order on June 03, 2014, the Hon’ble High Court, Calcutta disposed of W.P.S.T. No. 131 of 2014 without interfering in the order passed by the Tribunal.</p> <p>With the above factual matrix, Mr. M.N. Roy, Learned Counsel for the applicant has referred to letter dated March 17, 2017 (annexure ‘I’ to the original application) and submitted that the state respondents should take a decision on the issue of giving financial benefit like pay protection to the applicants on consideration of the said letter addressed to the Joint Secretary to the Government of West Bengal, Department of Land & Land Reforms by the Additional District Magistrate (General), Murshidabad. On the other hand, Mr. S. Bhattacharyya, the Departmental Representative of</p> | |

ORDER SHEET – (Continuation)

Form No.

Prodip Kumar Sinha & Ors.
.....

Vs

The State of West Bengal & Others.
.....Case No. **OA-623 of 2017**

| 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>the state respondents submits that the applicants are not entitled to get any financial benefits in terms of the order passed by the Tribunal on January 24, 2011 in OA-904/2008 as affirmed by the Division Bench of the Hon'ble High Court, Calcutta in W.P.S.T. No. 131/2014.</p> <p>Having heard both sides, we find that the applicants were given seniority by treating the date of their appointment w.e.f. the date when their immediate junior in the panel prepared on merit joined in the service without giving them any financial benefit whatsoever. The applicants actually joined in the service on February 23, 2006 while they got benefit of joining in the service on November 11, 1994 and thereby the length of service of each of the applicants was increased by almost 12 years. The respondents may consider the changed dates of appointment of the applicants for giving any kind of service benefit to the applicants except any financial benefit which might have accrued to the applicants for treating their date of appointment w.e.f. November 11, 1994. In the instant application, the applicants have prayed for grant of pay protection and other financial benefits to which they are not entitled in terms of order passed by this Tribunal in OA-904/2008 being</p> | |

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| Csm | <p>affirmed by the Division Bench of the Hon'ble High Court, Calcutta in W.P.S.T. No. 131/2014. In our view, the present application is misconceived and the same is liable to be dismissed.</p> <p>As a result, the original application is dismissed.</p> <p>S. K. DAS MEMBER(A)</p> <p>R. K. BAG MEMBER(J)</p> | |