

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

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

Case No – OA 649 OF 2018

Malay Kumar Das 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;">08</p> <hr/> <p>08.01.2020</p>	<p><i>For the Applicant : Mr. S. Ghosh, Mr. R.K. Mondal, Learned Advocates.</i></p> <p><i>For the State Respondents : Mr. S.N. Ray, Learned Advocate.</i></p> <p style="text-align: center;"><i>The applicant has prayed for direction upon the respondents for granting him pay scale no. 9 after quashing of order issued under Memo No. 194(19) dated July 29, 2010 issued by the Sub-Division Officer, Investigation & Planning Sub-Division No. II, Jalasampad Bhavan, Salt Lake City, Government of West Bengal and other consequential reliefs.</i></p> <p style="text-align: center;"><i>The applicant joined Government service as Gauge Reader in terms of the order dated May 27, 1987 issued by the Director River Research Institute and he is still in service. He got pay scale No. 6 i.e. Rs. 300-685/- in terms of West Bengal Services (Revision of Pay and Allowances) Rules, 1981 (In short, ROPA Rules 1981) in terms of the order passed by the Hon'ble High Court. The contention of the applicant is that he is entitled to get benefit of CAS/MCAS after treating pay scale of Rs. 300-685/- as his basic scale in terms of order dated August 26, 2009</i></p>	

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passed by this Tribunal in OA 1178 of 2007. The further contention of the applicant is that his gross pay was reduced by order dated March, 14, 2017 issued by the Director, River Research Institute, Haringhata Central Laboratory, Mohanpur, Nadia (Annexure G to the reply of the state respondents). The other Gauge Readers got the benefit of higher scale by approaching the Tribunal by filing OA 345 of 2017 which was disposed of on June 14, 2017. The applicant claims to be similarly circumstanced with the applicants of OA 345 of 2017, whereby the Tribunal had set aside the impugned order dated July 29, 2010 (Annexure D to the original application).

Having heard Learned Counsel representing both parties and on consideration of the facts and circumstances disclosed above, we are of the view that the respondent no. 2 should consider whether the applicant is similarly circumstanced with the applicants of OA 345 of 2017 (which was disposed of on June 14, 2017) and if the applicant is found to be similarly circumstanced with the applicants of OA 345 of 2017, he should be granted the relief which was granted to the applicants of OA 345 of 2017.

In view of our above observations, the respondent no. 2, Director of Personnel & Ex-officio Chief Engineer, Irrigation & Waterways Directorate,

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Government of West Bengal is directed to grant relief to the present applicant in terms of order dated June 14, 2017 passed in OA 345 of 2017, if the applicant is found to be similarly circumstanced with the applicants of OA 345 of 2017 within a period of 12 weeks from the date of communication of the order and take necessary follow up action within a period of 8 weeks thereafter.

With the above direction, the original application is disposed of.

Let a plain copy of the order be supplied to both the parties.

**(S.K.DAS)
Member (A)**

**(R.K.BAG)
Member (J)**

H.S