

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

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

Case No – OA 696 of 2017

Binayak Dutta+Ors. 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
10 10.07.2019	<p>For the Applicants : Mr. S.N. Ray, Learned Advocate.</p> <p>For the Respondent : Mr. S. Bhattacharjee, Departmental Representative.</p> <p>For the P & AR Deptt.: Mrs. S. Agarwal, Learned Advocate.</p> <p>For the AG (A&E),WB : Mr. B. Mitra, Departmental Representative.</p> <p>The applicants have prayed for direction upon the respondents for grant of benefit of Modified Career Advancement Scheme (in short, MCAS) in terms of Memorandum No. 10580-F (P) dated December 28, 2012 issued by the Joint Secretary to the Government of West Bengal, Finance Department, Audit Branch after setting aside Memorandum dated January 17, 2014 issued by the Joint Secretary to the Government of West Bengal, Department of Personnel & Administrative Reforms and Memorandum dated May 20, 2013 issued by the Assistant Secretary to the Government of West Bengal, Departmental of Personnel & Administrative Reforms and other ancillary reliefs.</p> <p>The contention of eight applicants is that they joined in West Bengal Subordinate Land Revenue Service, Grade-I on different dates during the period from 1974 to 1979. When they were working in the post of SRO-II, they were appointed in the</p>	

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cadre of West Bengal Civil Service (Executive) [in short, WBCS (Executive)] after selection through Public Service Commission, West Bengal. All the applicants served in different posts in the cadre of WBCS (Executive) and retired from service in due course. The grievance of the applicants is that they have not been granted benefit of MCAS in spite of completion of 25 years of service in terms of Memorandum dated December 28, 2012 issued by the Finance Department, Audit Branch, Government of West Bengal.

With the above factual matrix, Mr. S.N. Ray, Learned Counsel for the applicants, contends that the applicants did not get any promotion during entire career of service and as such they were entitled to get benefit of MCAS for completion of 25 years of service in terms of Memorandum No. 10580-F (P) dated December 28, 2012. On our query, Mr. Ray has failed to specify from which particular date the period of 25 years will be computed for the purpose of granting benefit of MCAS in terms of Memorandum dated December 28, 2012.

Mr. Bhattacharjee, the Departmental Representative of the state respondents, contends that the applicants initially joined the post of KGO, Grade-I (subsequently re-designated as Revenue Officer) in scale no. 10 notified by ROPA Rules of 1970 and ROPA Rules of 1981. He further contends that the applicants served in the post of SRO-II which is feeder post for promotion to WBCS (Executive). By referring to paragraph 6 of

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the rejoinder filed by the applicant in connection with the reply of the state respondents, Mr. Bhattacharjee submits that the applicants have admitted in the rejoinder that they were appointed on promotion to WBCS (Executive) during the period from 2006 to 2009. According to Mr. Bhattacharjee, the applicants are not entitled to get benefit of MCAS in terms of Memorandum dated December 28, 2012 on two grounds : first, the applicants were first appointed in pre-revised scale no. 10 and secondly, they got promotion to the cadre of WBCS (Executive). Mr. Bhattacharjee has also pointed out that MCAS benefit given to applicant no. 1 by mistake was subsequently rectified as reflected in the reply submitted on behalf of the state respondents.

Mrs. Agarwal, Learned Counsel representing the state respondent no. 1 has adopted the submission made by Mr. Bhattacharjee.

Having heard both sides and on consideration of the materials on record, we find that the applicants joined West Bengal Subordinate Land Revenue Service, Grade-I and posted as KGO, Grade-I (re-designated as Revenue Officer subsequently) in scale no. 10 notified by ROPA Rules of 1970 and ROPA Rules of 1981. The applicants have candidly admitted in paragraph 6 of the rejoinder filed in response to the reply of the state respondents that they were appointed on promotion to WBCS (Executive) during the period from 2006 to

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2009. Since the applicants were not first appointed in pre-revised scale no. 13, 14 and 15, and since the applicants got promotion to the cadre of WBCS (Executive) before December 1, 2012, they are not entitled to get benefit of MCAS for completion of 25 years of service in terms of Memorandum No. 10580-F (P) dated December 28, 2012 issued by the Finance Department, Audit Branch, Government of West Bengal.

In view of our above observations, the applicants are not entitled to get benefit of MCAS in terms of Memorandum No. 10580-F (P) dated December 28, 2012 issued by the Finance Department, Audit Branch, Government of West Bengal. As a result, we cannot persuade ourselves to set aside Memorandum dated January 17, 2014 (Annexure-F to the original application) and Memorandum dated May 20, 2013 issued by the Assistant Secretary to the Government of West Bengal, Department of Personnel and Administrative Reforms. The applicants are not, thus, entitled to get any relief in the present application.

As a result, the present application is **dismissed**.

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

Sanjib

(S.K. DAS)
MEMBER(A)

(R. K. BAG)
MEMBER (J)