

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

The Hon'ble JUSTICE RANJIT KUMAR BAG

& The Hon'ble DR. SUBESH KUMAR DAS

Case No – OA 718 OF 2016

Dilip 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
13 <hr/> 17.04.2019	<p><i>For the Applicant : Mrs. M.D. Chowdhury, Learned Advocate.</i></p> <p><i>For the State Respondents : Mr. S. Ghosh, Learned Advocate.</i></p> <p><i>The applicant has prayed for direction upon the respondents for grant of benefit of Carrier Advancement Scheme (in short CAS) on completion of eight years of continuous and satisfactory service and benefit of Modified Carrier Advancement Scheme (in short MCAS) on completion of continuous and satisfactory service of sixteen years with effect from the date of joining in the service on July 27, 1995.</i></p> <p><i>It appears from the materials on record that the applicant joined in the post of GDA on July 27, 1995. The contention of the applicant is that the departmental enquiry was started against the applicant on allegation of misconduct on October 12, 1999 and the said departmental enquiry ended on imposition of punishment of dismissal from service on March 30, 2001. The order of dismissal passed by the disciplinary authority was affirmed by the appellate authority. However, ultimately on April 27, 2005 the order of dismissal of the applicant from service was set aside by the Tribunal in OA 1541 of 2001 and by giving direction to the authority concerned to</i></p>	

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reconsider the quantum of punishment to be imposed on the applicant for his misconduct. Ultimately, on August 16, 2005, the disciplinary authority imposed punishment by stoppage of two increments of the applicant with cumulative effect and the period of suspension of the applicant was confirmed and the period during which the applicant was dismissed from service was treated as extraordinary leave. The grievance of the applicant is that he was not granted the benefit of CAS by taking into consideration the period of suspension and the period of dismissal of the applicant from service.

The contents of paragraph 4 of the reply submitted by the state respondents indicate that the applicant was granted benefit of CAS w.e.f July 2009 without counting the period during which the applicant was under suspension and the period during which the applicant was on extraordinary leave. On consideration of memorandum no. 3015F dated March 13, 2001 issued by the Finance Department, Audit Branch, Government of West Bengal, we find that a Government employee is entitled to get the benefit of CAS on completion of continuous and satisfactory service for eight years from the date of joining and benefit of MCAS on completion of sixteen years of continuous and satisfactory service. Since the applicant was under suspension for 593 days and was

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on extraordinary leave due to his dismissal from service for 1632days, and since punishment of stoppage of two increments with cumulative effect was imposed on the applicant for his misconduct, we are of the view that the applicant did not render satisfactory service for eight years from the date of joining and thereby the delay in granting benefit of CAS to the applicant was justified under the law.

In our view, the applicant is not entitled to get any relief in the present application. The original application is, thus, dismissed.

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

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

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

H.S

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