

ORDER SHEET
West Bengal Administrative Tribunal

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

Case No. OA 799 of 2018

Sri Ashok Kumar Paitandi

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.

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03
14/03/2019

For the Applicant : Mrs. M. Dhar Chowdhury,
Ld. Advocate.

For the State Respondent : N O N E.

Learned Counsel for the applicant undertakes to file Affidavit of Service in course of this day.

The applicant has prayed for direction upon the respondents for re-fixation of pay and release of pension and other retiral benefits of the applicant.

The contention of the applicant is that the applicant retired from service on January 31, 2018. The pay of the applicant was re-fixed under Memo No. 185/JDTS/WZ dated November 16, 2017 issued by the Joint Director of Textiles (Sericulture), West Zone, Bolpur, Birbhum (Annexure 'D' to the original application). The applicant was aggrieved by the re-fixation of pay of the applicant immediately before his retirement and submitted one representation before the respondent no. 3 on November 29, 2017, but the said representation has not yet been considered by the said respondent in accordance with law.

ORDER SHEET – (Continuation)

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	<p>None appears on behalf of the state respondents inspite of service of notice. Learned Counsel for the applicant submits that re-fixation of pay on the verge of retirement of the applicant has caused prejudice and as such the said order of re-fixation of pay needs to be re-considered by the respondent no.3 in terms of the representation submitted by the applicant. On consideration of the fact that re-fixation of pay was done provisionally subject to ratification by the appropriate authority, we are of the view that the representation submitted by the applicant should be considered by the respondent no. 3 in accordance with law before making the provisional re-fixation of pay final.</p> <p>In view of our above observation, the respondent no. 3, Joint Director of Director of Textiles (Sericulture), West Zone, Bolpur, Birbhum is directed to consider the representation submitted by the applicant on November 29, 2017 (Annexure 'E' to the original application) in accordance with law within a period of 12 (twelve) weeks from the date of communication of the order and take necessary follow up action, if any, within a period of 8 (eight) weeks thereafter. With the above direction, the original application stands disposed of.</p>	

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Csm	<p style="text-align: center;">Let a Plain Copy of the order be supplied to the applicant.</p> <p>S. K. DAS MEMBER(A)</p> <p style="text-align: right;">R. K. BAG MEMBER(J)</p>	