

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

The Hon'ble JUSTICE RANJIT KUMAR BAG

& The Hon'ble DR. SUBESH KUMAR DAS

Case No – OA 812 OF 2018

Bharati Mondal v/s **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;">02</p> <hr/> <p>18.01.2019</p>	<p><i>For the Applicant : Mr. G.P. Banerjee , Learned Advocate.</i></p> <p><i>For the State Respondents : Mr. S.N. Ray, Learned Advocate.</i></p> <p><i>The applicant has prayed for direction upon the respondents to grant her pay protection w.e.f. July 01, 2010 when her junior was given higher pay.</i></p> <p><i>The contention of the applicant is that she joined as Auxiliary Nurse-cum-Midwife (in short A.N.M) on June 06, 1983, whereas one Santi Mondal joined in the post of A.N.M. on June 06, 1983. However, the applicant got promotion to the post of Health Supervisor on February 21, 2008, whereas Santi Mondal got promotion to the post of Health Supervisor on December 14, 2009. The further contention of the applicant is that the applicant is getting gross salary of Rs. 25, 370/- on July 01, 2010, whereas her junior Santi Mondal was receiving gross salary of Rs. 26, 123/- w.e.f. July 01, 2010. The grievance of the applicant is that her prayer for pay protection submitted before respondent no. 2, through proper channel on September 27, 2013 has not yet been considered by the</i></p>	

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said respondent and thereby the applicant is being deprived of Rs. 7,053/- p.m. w.e.f. July 01, 2010.

Having heard Learned Counsel representing both parties and on consideration of the representation submitted by the applicant before respondent no. 2 through proper channel on September 27, 2013, we find that the applicant has projected her case before the authority concerned by submitting the said representation. The materials have not been placed before us to decide whether Santi Mondal is junior to the applicant. On consideration of the materials on record, we are of the view that the issue of pay protection of the applicant need to be considered in accordance with law on the basis of the representation submitted by the applicant on September 27, 2013.

In view of our above observation, the respondent no. 2, Director of Health Service, Government of West Bengal is directed to consider the representation submitted by the applicant on September 27, 2013 (page 22 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, after giving an intimation in this regard to the applicant within a period of 4 (four) weeks thereafter.

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

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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