

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

The Hon'ble JUSTICE RANJIT KUMAR BAG

& The Hon'ble DR. SUBESH KUMAR DAS

Case No – OA 958 OF 2014

Gobinda Lal Bandyopadhyay 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
15 <hr/> 18.07.2018	<p><i>For the Applicant : Mr. A.L. Basu, Learned Advocate.</i></p> <p><i>For the State Respondents : None</i></p> <p><i>For A.G.(A&E), W.B. : Mr. B. Mitra, Departmental Representative.</i></p> <p><i>Mr. A.L. Basu, Learned Counsel for the applicant contends that one Mr. Sekhar Majumdar who joined in the post of A.E(C), P.W.D on May 05, 1986 was immediate junior to the applicant Gobindalal Bandyopadhyay who joined in the post of A.E(C), P.W.D on March 31, 1983. According to Mr. Basu, this Tribunal gave direction to the Chief Engineer, H.Q, P.W.D to consider prayer of the applicant giving higher scale of pay in terms of G.O. dated August 14, 2009 with effect from the date on which the said junior was given the benefit of higher scale of pay. The Chief Engineer, P.W.D. turned down the claim of the applicant on the ground that G.O. dated August 14, 2009 was issued approximately after six years from the date of retirement of the applicant and as such the applicant is not entitled to get financial benefit in terms of the said G.O. Nothing is on record to indicate whether junior to the applicant who got benefit of higher scale of pay in terms of G.O. dated August 14, 2009 was in service</i></p>	

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on the date of issuance of the said G.O. or retired from service before the date of issuance of the G.O and as such, we are not in a position to decide legality and validity of the order passed by the Chief Engineer, P.W.D.

Under the above circumstances, the applicant is directed to file supplementary affidavit disclosing the fact whether his immediate junior who got the benefit of higher scale of pay in terms of G.O. dated August 14, 2009 retired before the date of issuance of the said G.O. supported by relevant documents within a period of 8 (eight) weeks from the date of this order.

Since A.G.W.B. is not a necessary party in the present application, the name of the said respondent is expunged from the record by way of amendment of cause title of the original application.

The Registry is directed to carry out the amendment within a period of 4 (four) weeks from this date.

List the matter under the heading “Hearing” on 29.11.2018.

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

Office

(S.K.DAS)
Member (A)

(R.K.BAG)
Member (J)

H.S

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