

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

**The Hon'ble JUSTICE RANJIT KUMAR BAG
& The Hon'ble DR. SUBESH KUMAR DAS**

Case No – OA 965 OF 2015

Sailendu Sinha Ray 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
<p style="text-align: center;">13</p> <hr/> <p>09.01.2019</p>	<p><i>For the Applicant : Mr. A. Hati, Learned Advocate.</i></p> <p><i>For the Respondent Nos 1 & 2 : Mr. S. Bhattacharjee, Departmental Representative</i></p> <p><i>For the Respondent No 3 : Mrs. M. Mallick, Learned Advocate.</i></p> <p><i>The applicant has prayed for direction upon the respondents for fixation of scale of pay of Rs. 1500-3410/- with higher initial start of Rs. 1730/- w.e.f. April 01, 1986 and for grant of benefit of Carrier Advancement Scheme on completion of 8 years, 16 years and 25 years of service in the enhanced scale of pay w.e.f. June 01, 1986, June 01, 1994 and June 01, 2004 respectively.</i></p> <p><i>The applicant joined in the post of Law Assistant in the office of the respondent no. 3 on June 01, 1979. The applicant retired from service on October 31, 2011. With regard to the first prayer of the applicant for fixation of pay, it appears from the document marked annexure K to the original application that pay of the applicant has already been fixed in the scale of pay of Rs. 1500-3410/- with higher initial start at Rs. 1730 w.e.f. April 01, 1986. It further appears from the materials on record that the</i></p>	

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applicant got benefit of Carrier Advancement Scheme for completion of satisfactory service of 10 years and 20 years w.e.f. June 01, 1989 and June 01, 1999 respectively. The grievance of the applicant is that he was not granted benefit of modified Carrier Advancement Scheme for completion of 25 years of service in terms of ROPA 1998, though such benefit was given to his colleague Suhas Mukherjee.

Mr. Hati, Learned Counsel for the applicant contends that the applicant has completed almost 32 and ½ years of service and as such he is entitled to get benefit of MCAS at par with Suhas Mukherjee who got the said benefit after completion of 25 years of satisfactory service. Mr. Bhattacharjee, the departmental representative of the state respondents submits that the respondent no. 3 has already given a proposal to the Department of Land & Land Reforms, Government of West Bengal on October 15, 2014 seeking instruction as to whether benefit of MCAS can be extended to the applicant for completion of 25 years of service at par with Suhas Mukherjee of the same service.

Having heard Learned Counsel for the applicant and the departmental representative of the state respondents, we are of the view that the Departmental Secretary should considered whether the applicant is entitled to get benefit of MCAS for completion of 25 years

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of service as described by the respondent no. 3 in letter no. 813-LA dated October 15, 2014 (annexure O to the original application) within specific period of time.

In view of our above observation, the respondent no. 1, principal Secretary to the Government of West Bengal, Department of Land & Land Reforms is directed to consider whether the applicant is entitled to get benefit of MCAS on completion of 25 years of service as described in letter no. 813-LA dated October 15, 2014 (Annexure O to the original application) in accordance with rules within a period of 12 (twelve) weeks from the date of communication of this 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.

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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