

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

**The Hon'ble Justice Ranjit Kumar Bag
& The Hon'ble Dr. Subesh Kumar Das**

Case No – OA 1292 OF 2014

Swapan Mukhopadhyay 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
18 27.02.2019	<p>For the Applicant : Mr. M.K. Patutundu, Learned Advocate.</p> <p>For the Respondents : Mr. B.P. Roy, Learned Advocate</p> <p>The applicant has prayed for refixation of pay in terms of Rule 42A(1) of WBSR Pt. I after cancellation of letter dated December 30, 2011 issued by the Assistant Director of Industrial Training, West Bengal (Annexure K to the original application).</p> <p>It appears from the materials on record that the applicant was working as Instructor (Wireman) in ITI, Raigunj. He was temporarily appointed to the post of Master, Plastic Processing Operator Trade in the office of the Principal, ITI, Kalyani in terms of office order dated February 9, 2000 issued by the Principal, ITI, Kalyani. The applicant joined in the post of Master, Plastic Processing Operator Trade at ITI, Kalyani on December 8, 1999 and his pay was fixed at Rs.4800/- in the scale of pay of Rs.4800-10925/- in terms of Rule 42(1)(ii) of WBSR Pt. I by the said office order dated February 9, 2000.</p>	

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With the above factual matrix, Learned Counsel for the applicant contends that the applicant got promotion from the post of Instructor to the post of Master, Plastic Processing Operator Trade at ITI and as such his pay should have been fixed in terms of Rule 42A(1) of WBSR Pt. I. On the other hand, Learned Counsel, representing the State respondents submits that the applicant was appointed in the post of Master, Plastic Processing Operator Trade at ITI without giving any higher responsibility and as such the pay of the applicant was rightly fixed in terms of Rule 42(1)(ii) of WBSR Pt. I.

The applicant has failed to place on record any G.O. or Rule to establish that Instructor (Wireman) attached to ITI is feeder post for promotion to the post of Master, Plastic Processing Operator Trade at ITI. In the absence of any G.O. or Rule, we are unable to accept the contention made on behalf of the applicant that the applicant got promotion to the post of Master, Plastic Processing Operator Trade from the post of Instructor attached to ITI. It is crystal clear from the office order dated February 9, 2000 issued by the Principal, ITI, Kalyani that the appointment of the applicant in the post of Master, Plastic Processing Operator Trade at ITI is a fresh appointment without any higher responsibility and as such the applicant was granted higher pay scale and fixation in the higher pay scale was done at the initial stage of Rs.4800/- by giving the applicant personal pay of Rs.50/- in terms of Rule 42(1)(ii) of WBSR Pt.I.

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In view of our above observation, we do not find any illegality or arbitrariness in the order communicated under letter dated December 30, 2011 issued by the Assistant Director of Industrial Training, West Bengal. As a result, the applicant is not entitled to get any relief in the present application. So, the present application is dismissed.

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

(S.K. DAS)
MEMBER(A)

(R. K. BAG)
MEMBER (J)

Rajib