

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

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

Case No – OA 1454 OF 2014

Sandip Kumar Mukhopadhyay & Others 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 18.01.2019	<p>For the Applicants : Mr. G.P. Banerjee, Learned Advocate.</p> <p>For the Respondents : Mr. S. Ghosh, Learned Advocate.</p> <p>The applicants have prayed for direction upon the respondents for upgradation of pay scale after setting aside the order dated November 12, 2013 passed by the Principal Secretary to the Government of West Bengal, Department of Finance (Annexure C to the original application).</p> <p>The applicant no. 2 is working as Head Surveyor under the Department of Urban Development, Government of West Bengal and the applicants no. 1 and 3 are working as Head Draftsman and Tracer Grade I under the Directorate of Irrigation and Waterways, Government of West Bengal. The applicants approached the Tribunal previously by filing OA 623 of 2012 praying for upgradation of pay scale of the applicants. By disposing of the said OA No. 623 of 2012 on December 2, 2012, the Tribunal gave direction to the Principal Secretary, Department of Finance, Government of West Bengal to consider the grievance of the applicants in connection with upgradation of their pay scale by passing a reasoned order within specific period of time. Accordingly, the Principal Secretary to the Government of West Bengal, Department of Finance passed the reasoned order which was communicated to one of the applicants on November 12, 2013 by the Assistant Secretary to the Government of West Bengal, Department of Finance (Annexure C to the original</p>	

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application). The claim of the applicants for upgradation of pay scale was turned down by the reasoned order on two grounds : first, the applicants cannot get the benefit of pay scale of the employees of the Central Government having the same nomenclature, as the service condition and pay scale of the employees of the Central Government are governed by the rules framed by the Central Government on the basis of recommendation of the Central Pay Commission, secondly, the applicants cannot claim pay parity with the Sub-Assistant Engineers as the educational qualification, mode of recruitment and nature of duties of Sub-Assistant Engineers are different from that of the applicants.

Having heard Learned Counsel representing both parties and on consideration of the reasoned order under challenge in the present application, we do not find any illegality or arbitrariness in the reasoned order. The reasons assigned by the Principal Secretary to the Government of West Bengal, Department of Finance for turning down the claim of the applicants are justified under the law. Accordingly, the applicants are not entitled to get any relief in the present application. The original application is, thus, dismissed.

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

S. K. DAS
MEMBER(A)

R. K. BAG
MEMBER(J)

Rajib

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