

ORDER SHEET**WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-**

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

Case No –OA 292 OF 2015

Bijan Kumar Nath 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;">14</p> <hr/> <p>19.09.2018</p>	<p>For the Applicant : Mrs. S.Mitra Learned Advocate.</p> <p>For the State Respondents : Mr. M.N. Roy Learned Advocate.</p> <p>For A.G. (A & E), W.B. : Mr. B. Mitra, Departmental Representative.</p> <p>The applicant has prayed for direction upon the respondents for re-fixation of pay in terms of G.O. dated February 17, 2012 issued by the Assistant Secretary to the Government of West Bengal, Water Resources Investigation and Development Department on quashing of G.O. dated August 27, 2013 issued by the Assistant Engineer (Agri-Mech), Alipore (A-M), Sub-Division, Water Resources Development Directorate, Government of West Bengal.</p> <p>The applicant was appointed as Operator-cum-Mechanic on December 23, 1975 in the Directorate of Agricultural Engineering, Government of West Bengal. The contention of the applicant is that the applicant was allowed to draw initial higher scale of pay of Rs.330/- in the pay scale of Rs.300-600/- admissible to Sub-Assistant Engineers by order dated July 20, 1981 issued by the</p>	

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	<p>Special Officer and Ex-Officio Assistant Secretary to the Government of West Bengal, Department of Agriculture, Establishment Branch on the ground that similarly circumstanced diploma holder Engineers working in the same Directorate got the same financial benefit by the order of the Hon'ble High Court passed in CR No. 6058(W) and 6597(W) of 1978. The grievance of the applicant is that the financial benefit of higher scale given to the applicant has been subsequently withdrawn by order dated January 21, 2013 issued by the Deputy Secretary to the Government of West Bengal, Water Resources Investigation and Development Department, and thereby the total gross salary of the applicant was reduced to Rs.20210/- at the time of retirement of the applicant on December 31, 2011.</p> <p>Having heard Learned Counsel representing both parties and on consideration of the materials on record, we find that the applicant submitted one representation on June 6, 2013 before the Respondent No. 2 for giving proper financial benefit to the applicant at par with similarly circumstanced officers of the same Directorate, but the said representation has not been considered by the concerned respondent till date. Accordingly, we direct Respondent No. 2, Director of Personnel and Ex-Officio Chief Engineer, Water Resources Development Directorate to consider the representation of the applicant dated June 6, 2013 (Annexure A to the original application) in accordance with law after giving the applicant an opportunity of hearing within a period of sixteen weeks from the date of communication of the order and take follow-up action, if necessary, within a period of four weeks</p>	

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Rajib	<p>thereafter.</p> <p>With the above direction, the original application stands disposed of.</p> <p style="text-align: center;">S. K. DAS MEMBER(A)</p> <p style="text-align: center;">R. K. BAG MEMBER(J)</p>	

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