

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

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

Case No –OA 294 OF 2014

Pijush Kanti Ghosh & Another 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>18 26.09.2018</p>	<p>For the Applicant : Mr. M.N. Ray Mr. G. Halder, Learned Advocates.</p> <p>For the State Respondents : Mrs. M. Mallick Learned Advocate.</p> <p><i>The applicants have prayed for refixation of scale of pay of the applicants at par with Graduate Laboratory Instructor /Demonstrators in connection with non-Government Colleges on setting aside order dated July 19, 2013 passed by the Respondent No. 1, Secretary to the Government of West Bengal, Higher Education Department.</i></p> <p><i>The applicant no. 1 claims to have joined in the post of Laboratory Assistant in Jalpaiguri Government Engineering College in the year 1987 and the applicant no. 2 claims to have joined in the same post of the same College in the year 1999. The applicants have been drawing scale of pay attached to the post of Laboratory Assistant of Government Engineering Colleges. The contention of the applicants is that they have Graduate qualifications and are entitled to get pay scale enjoyed by Graduate Laboratory Instructor of Government aided Colleges. The further contention of the applicants is that the Laboratory Assistant of Government aided Colleges having Graduate qualification are enjoying pay scale at par with</i></p>	

ORDER SHEET

Pijush Kanti Ghosh & Another V. State of W.B. & ors.

Form No.

Case No. **OA-294 of 2014**

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><i>Physical Instructor of the said Colleges by way of redesignation of the post of Laboratory Assistant as Graduate Laboratory Instructor and the said pay scale is equivalent to the pay scale of the Teachers of Government aided Colleges. By reasoned order dated July 19, 2013 passed by the Respondent No. 1, the claim of the applicants for getting pay parity with the Graduate Laboratory Instructor of Government aided Colleges was turned down on the ground that the service conditions of the applicants as Laboratory Assistant are different from the service conditions of Graduate Laboratory Instructor of Government aided Colleges.</i></p> <p><i>With the above factual matrix, Mr. Roy, Learned Counsel for the applicants contends that the applicants have been discharging the same duties which are being discharged by the Graduate Laboratory Instructor of Government aided Colleges and the applicants have the same qualification as that of Graduate Laboratory Instructor of Government aided Colleges and as such the applicants are entitled to get the same pay scale which is enjoyed by Graduate Laboratory Instructor of Government aided Colleges. Mr. Roy has relied on the case of "State of Kerala V. B. Renjith Kumar and Others" reported in (2008) 12 SCC 219 in support of his above contention. On the other hand, Learned Counsel representing the</i></p>	

ORDER SHEET

Pijush Kanti Ghosh & Another V. State of W.B. & ors.

Form No.

Case No. **OA-294 of 2014**

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><i>State respondents has supported the reasoned order passed by the Respondent No. 1 by which claim of the applicants was turned down.</i></p> <p><i>In “State of Kerala V. B. Renjith Kumar and Others” (supra), the Presiding Officers of Industrial Tribunal in the State of Kerala claimed pay scale of the District Judges on the ground that they have been discharging the same duties which are discharged by the District Judges. In this reported case, the Presiding Officers of the Industrial Tribunal and the District Judges of State of Kerala were governed by the same rules framed under Article 309 of the Constitution of India. So, the service conditions of the Presiding Officers of the Industrial Tribunal and the service conditions of the District Judges of the State of Kerala were same and both of them discharged the same duties and functions and as such the Apex Court granted scale of pay of the District Judges of State of Kerala to the Presiding Officers of Industrial Tribunals. In the instant case, Graduate Laboratory Instructor of Government aided Colleges are not governed by the rules framed under Article 309 of the Constitution of India, whereas the present applicants being Laboratory Assistant of Government Engineering Colleges are governed by the rules framed under Article 309 of the Constitution of India. Moreover, it is clearly pointed out by the Respondent No. 1 in the</i></p>	

ORDER SHEET

Pijush Kanti Ghosh & Another V. State of W.B. & ors.

Form No.

Case No. **OA-294 of 2014**

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
Rajib	<p><i>reasoned order that the Graduate Laboratory Instructor of Government aided Colleges are governed by the West Bengal College (Payment of Salaries) Act, 1978 and other relevant provisions of statute and regulations framed thereunder whereas the present applicants are governed by the rules framed under Article 309 of the Constitution of India. So, the service conditions of the present applicants are different from the service conditions of Graduate Laboratory Instructor of Government aided Colleges. Naturally, the facts of the present case are distinguishable from the facts of the reported case of “State of Kerala V. B. Renjith Kumar and Others” (supra) and as such the ratio of the said reported case cannot apply in the facts of the present case.</i></p> <p><i>In view of our above findings, we are unable to accept the contention made on behalf of the applicants that they are entitled to get pay parity with the Graduate Laboratory Instructor of Government aided Colleges. We fully agree with the reasoned order passed by the Respondent No. 1 on July 19, 2013. Accordingly, the original application is dismissed.</i></p> <p style="text-align: center;">S. K. DAS MEMBER(A)</p> <p style="text-align: center;">R. K. BAG MEMBER(J)</p>	

ORDER SHEET**Pijush Kanti Ghosh & Another V. State of W.B. & ors.**

Form No.

Case No. **OA-294 of 2014**

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

ORDER SHEET**Pijush Kanti Ghosh & Another V. State of W.B. & ors.**

Form No.

Case No. **OA-294 of 2014**

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

ORDER SHEET**Pijush Kanti Ghosh & Another V. State of W.B. & ors.**

Form No.

Case No. **OA-294 of 2014**

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

ORDER SHEET**Pijush Kanti Ghosh & Another V. State of W.B. & ors.**

Form No.

Case No. **OA-294 of 2014**

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

ORDER SHEET**Pijush Kanti Ghosh & Another V. State of W.B. & ors.**

Form No.

Case No. **OA-294 of 2014**

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

ORDER SHEET**Pijush Kanti Ghosh & Another V. State of W.B. & ors.**

Form No.

Case No. **OA-294 of 2014**

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

ORDER SHEET**Pijush Kanti Ghosh & Another V. State of W.B. & ors.**

Form No.

Case No. **OA-294 of 2014**

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
Rajib		

ORDER SHEET**Pijush Kanti Ghosh & Another V. State of W.B. & ors.**

Form No.

Case No. **OA-294 of 2014**

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

ORDER SHEET**Pijush Kanti Ghosh & Another V. State of W.B. & ors.**

Form No.

Case No. **OA-294 of 2014**

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

ORDER SHEET**Pijush Kanti Ghosh & Another V. State of W.B. & ors.**

Form No.

Case No. **OA-294 of 2014**

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

ORDER SHEET**Pijush Kanti Ghosh & Another V. State of W.B. & ors.**

Form No.

Case No. **OA-294 of 2014**

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

ORDER SHEET**Pijush Kanti Ghosh & Another V. State of W.B. & ors.**

Form No.

Case No. **OA-294 of 2014**

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

ORDER SHEET**Pijush Kanti Ghosh & Another V. State of W.B. & ors.**

Form No.

Case No. **OA-294 of 2014**

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

ORDER SHEET**Pijush Kanti Ghosh & Another V. State of W.B. & ors.**

Form No.

Case No. **OA-294 of 2014**

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

ORDER SHEET**Pijush Kanti Ghosh & Another V. State of W.B. & ors.**

Form No.

Case No. **OA-294 of 2014**

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