

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

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

Case No – OA 70 of 2016

Satish Chandra Sahoo 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
10 05.12.2018	<p>For the Applicant : Mr. S. Khanra, Learned Advocate.</p> <p>For the Respondents : Mr. B.P. Roy, Learned Advocate.</p> <p>The applicant has prayed for direction upon the respondents for giving him benefit of Career Advancement Scheme (CAS) and financial benefit of giving promotion to the post of Mechanic w.e.f. July 18, 2012 and other ancillary reliefs.</p> <p>It appears from the materials on record that the applicant joined as Guard (Work-Charged) under the Directorate of Public Health Engineering (PHE), Government of West Bengal on April 29, 1985. The applicant got benefit of CAS for completion of 10 years of service w.e.f. April 29, 1995. The applicant was appointed in the post of Khalasi in terms of Memorandum No. 1145/WC dated November 21, 1997 of the Superintending Engineer, Western Circle, Directorate of PHE on December 9, 1997. The contention of the applicant is that he worked as Senior Workman and got promotion to the post of Mechanic .w.ef. July 18, 2012, but he did not get pay scale of the promotional post before his retirement from service on September 30, 2012. The further contention of the applicant is that he was entitled to get benefit of CAS for completion of 16 years and 25 years of service under ROPA, 2001.</p>	

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Learned Counsel representing the State respondents submits that the appointment of the applicant in the post of Khalasi was considered as fresh appointment, as there was no promotional avenue from the post of Guard to the post of Khalasi. He further submits that the post of Khalasi was redesignated as Senior Workman after implementation of ROPA, 1998.

Having heard Learned Counsel representing both parties and on consideration of the materials on record, we find that the appointment of the applicant in the post of Khalasi on December 9, 1997 should be treated as fresh appointment, as there was no provision for promotion to the post of Khalasi from the post of Guard. The further admitted position is that the post of Khalasi was redesignated as Senior Workman after implementation of ROPA, 1998, as both the posts were carrying same scale of pay as contended on behalf of the State respondents. Admittedly, the applicant joined in the post of Khalasi on December 9, 1997 and got promotion to the post of Mechanic w.e.f. July 18, 2012 before retirement. The applicant served in the post of Khalasi/Senior Workman for more than 8 years before getting promotion to the post of Mechanic on July 18, 2012, and as such the applicant is entitled to get the benefit of CAS in terms of ROPA, 2001 for working in the same scale of pay from December 9, 1997 to July 18, 2012.. The materials on record go to establish that the applicant did not get the financial benefit of promotional post of Mechanic, in spite of getting promotion to the said post of Mechanic on July 18, 2012 and thereby the applicant is deprived of total retirement benefits.

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In view of our above findings, we direct the Respondent No. 3, Chief Engineer, Mechanical/Electrical, PHE Directorate, Government of West Bengal to consider the entitlement of the applicant to get the benefit of CAS for working as Khalasi/Senior Workman for more than 8 years without getting promotion in terms of ROPA, 2001 and entitlement of the applicant to get financial benefit of promotion to the post of Mechanic w.e.f. July 18, 2012 by passing a reasoned order within a period of twelve weeks from the date of communication of the order and take necessary follow-up action after giving the applicant an intimation, within a period of four weeks thereafter.

With the above direction, the original application is disposed of.

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

(S.K. DAS)
MEMBER(A)

(R. K. BAG)
MEMBER (J)

Rajib

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