

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

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

**Case No –OA 760 OF 2018**

**Ranjit Kumar Pakhira 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>7 12.02.2020</p>	<p>For the Applicant : Mr. G. Banerjee, Ms. P. Dey, Learned Advocates.</p> <p>For the Respondents: Mr. A. De, Ms. R. Sarkar, Departmental Representatives.</p> <p>Rejoinder filed on behalf of the applicant is kept on record.</p> <p>The applicant has prayed for direction upon the respondents for payment of special allowance @25/- p.m. in terms of the Note of the Finance Department, Government of West Bengal dated December 15, 2008 and for refixation of pay of the applicant in revised pay scale in terms of the provisions of West Bengal Services (Revision of Pay and Allowances) Rules, 1981 (in short, the ROPA Rules, 1981) by taking into consideration special allowance of Rs.25/- as pay and other consequential benefits.</p> <p>The applicant joined in the Government service as Surveyor and retired from service on August 31, 2013. The contention of the applicant is that he was entitled to get special allowance @Rs.25/- p.m. in terms of memorandum dated October 24, 1975 issued by the Deputy Secretary to the Government of West Bengal, Department of Finance, Audit Branch. Since the applicant was deprived of the special pay @Rs.25/-, he approached the Tribunal by filing OA 1787 of 2000 which was disposed of on October 9, 2002. On October 9, 2002 this Tribunal gave direction to the State respondents to pay special allowance to the applicant @Rs.25/-</p>	

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	<p>during the period from February 1, 1980 to March 31, 1981 along with the observations that the applicant is not entitled to get any special allowance w.e.f. April 1, 1981. The special allowance was abolished after coming into force of the ROPA Rules, 1981 as laid down in the Notification dated July 28, 1981 issued by the Secretary to the Government of West Bengal, Department of Finance. The fact of entitlement of the applicant to get special allowance @Rs.25/- p.m. as Surveyor during the period from February 1, 1980 to March 31, 1981 was approved in the Note of the Finance Department, Government of West Bengal on December 15, 2008.</p> <p>Learned Counsel for the applicant contends that the applicant has not yet received the amount of special allowance in spite of approval of the Finance Department on December 15, 2008. On the other hand, the Departmental Representative of the State respondents is unable to enlighten us whether the amount of money is released in favour of the applicant till date. On consideration of the fact that the special allowance of the Surveyor was abolished after coming into force of the ROPA Rules of 1981, we are of the view that the applicant is not entitled to get any special allowance as Surveyor w.e.f. April 1, 1981. The prayer for refixation of pay of the applicant after taking into consideration special allowance of Rs.25/- p.m. as "Pay" in the revised pay scale under the ROPA Rules, 1981 in terms of notification issued by the Finance Department, Government of West Bengal on July 28, 1981 and published in Calcutta Gazette on July 31, 1981 cannot be considered by us after lapse of 38 years. The said claim of the</p>	



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