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 <u>Vs</u> 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
7 12.02.2020	For the Applicant : Mr. G. Banerjee, Ms. P. Dey, Learned Advocates.	
	For the Respondents: Mr. A. De, Ms. R. Sarkar, Departmental Representatives.	
	Rejoinder filed on behalf of the applicant is kept on record.	
	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.	
	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/-	

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	during the period from February 1, 1980 to March 31, 1981 along	3
	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.	
	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	

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	applicant is clearly barred un	der Section 21 of the Administrative	
	Tribunals Act, 1985.		
	In view of our above observ	vations, we direct the respondent No.	
	2, Director of Land Records	and Surveys, West Bengal to pay	
	special allowance to the appli	cant @Rs.25/- p.m. during the period	
	from February 1, 1980 to Ma	rch 31, 1981 in terms of the Note of	
	the Finance Department d	ated December 15, 2008 and in	
	compliance with the direction	n given by the Tribunal earlier in OA	
	1787 of 2000 within a period	d of twelve weeks from the date of	
	communication of the order, i	if the said amount was not paid in the	
	mean time.		
	With the above direction, t	he original application is disposed of.	
	Let a plain copy of the orde	er be supplied to both the parties.	
	S.K. Das	R.K. Bag	
	Member (A)	Member (J)	
Rajib			

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