

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

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

**Case No –OA 777 OF 2013**

**Sudhamoy Chatterjee & Others 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>19 27.08.2018</p>	<p>For the Applicants : Mr. G. Halder, Mrs. C. Chowdhury Learned Advocates.</p> <p>For the State Respondents : Mr. R.A. Chowdhury, Learned Advocate.</p> <p>The applicants have prayed for a direction upon the respondents to give financial benefit of the promotional post by giving the pay scale to the applicants with effect from the date of joining.</p> <p>The applicants were appointed as Sub-Overseers by the District Magistrate, Bankura on temporary basis in the fifties and sixties and were substantively appointed in the said post in the year 1979 and retired from the post of Sub-Overseers. It appears from record that the applicants previously moved this Tribunal by filing OA No. 3301 of 2006 which was disposed of by the Tribunal on February 4, 2011, whereby this Tribunal gave direction to the Secretary to the Government of West Bengal, Department of Disaster Management to consult official documents and to examine the prayer of the applicants after giving the applicants an opportunity of hearing. It appears from the documents annexed to the reply submitted by the State respondents that the Secretary to the Government of West Bengal, Department of Disaster Management has examined the prayer of the applicants for giving financial benefit of the scale of Sub-Assistant Engineers and found that the applicants were never promoted or declared as Sub-</p>	

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Rajib	<p>Assistant Engineers during the period of their service. The specific decision of the Secretary to the Government of West Bengal, Department of Disaster Management is that there is no justification in the prayer of the applicants and they are not entitled to get any financial benefit as prayed for. The said order dated November 16, 2012 has not been challenged by the present applicants in the present application. On the contrary, the applicants have repeated the prayer made by them before this Tribunal in OA No. 3301 of 2006 for getting financial benefit.</p> <p>Having heard Learned Counsel representing both the parties and on consideration of the materials on record, we find that the issues to be decided in the present application have already been decided by the Secretary to the Government of West Bengal, Department of Disaster Management on the basis of direction given by the Tribunal in OA No. 3301 of 2006. So, the present application is clearly barred by the principle of resjudicata. The applicants are not entitled to get any financial benefit.</p> <p>The original application is, thus, dismissed.</p> <p>Let a plain copy of the order be supplied to both parties.</p> <p style="text-align: center;"><b>(Dr. S.K. Das)</b> <b>Member (A)</b></p> <p style="text-align: center;"><b>(R.K. Bag)</b> <b>Member (J)</b></p>	

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