

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

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

**Case No –OA-779 of 2019**

**Joydeb Pal 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>2</p> <hr/> <p>28.11.2019</p>	<p>For the Applicant : Mr. S. Bhattacharya, Learned Advocate.</p> <p>For the Respondents: Mr. S. Ghosh, Learned Advocates.</p> <p>The applicant has prayed for direction upon the respondents to grant him benefit of Modified Career Advancement Scheme (in short, MCAS) for completion of 25 years of satisfactory service and other consequential reliefs.</p> <p>The applicant joined in the Government service on January 29, 1974 as Work Assistant. Subsequently, he appointed as Sub-Assistant Engineer (SAE) on March 12, 1975 and was granted benefit of Career Advancement Scheme (in short, CAS) for completion of satisfactory service of 10 years and 20 years on April 1, 1989 and April 1, 1995 respectively. The contention of the applicant is that he was not granted benefit of MCAS on completion of satisfactory service of 25 years on March 11, 2000. He retired from service on October 31, 2005 and got pension. The grievance of the applicant is that he was not granted commuted value of pension, leave encashment and benefit of MCAS for completion of 25 years of satisfactory service.</p> <p>Learned Counsel for the applicant contends that the applicant completed 25 years of service on March 11, 2000 but the benefit of</p>	

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	<p>MCAS was not given even for completion of 25 years of satisfactory service. He further submits that leave encashment was also not granted in favour of the applicant for loss of service book. However, he submits by placing a copy of revised PPO dated July 24, 2019 that he has already been given commuted value of pension during pendency of the present application. On the other hand, Mr. Ghosh, Learned Counsel representing the State respondents contends that benefit of MCAS cannot be granted in favour of the applicant as he got promotion in the higher post before completion of 25 years of service. With regard to disbursement of the leave encashment in favour of the applicant, Mr. Ghosh submits that the issue of leave encashment is in process and the same will be disbursed in due course in favour of the applicant.</p> <p>Having heard Learned Counsel representing both parties and on consideration of the materials on record, we find that the commuted value of pension has already been given in favour of the applicant at the time of issuance of revised pension on July 24, 2019. The materials on record indicate that the applicant got benefit of CAS for completion of 20 years of service on April 1, 1995 and he got promotion to Grade I SAE on April 1, 1997 i.e. before completion of 25 years of service on March 11, 2000. Since the applicant got promotion before completion of 25 years of service, he is not entitled to get the benefit of MCAS as prayed for. With regard to the claim of the applicant for release of leave encashment for 300 days of Earned Leave which was to his credit on the date of superannuation, we are of the view that the</p>	

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Rajib	<p>respondent No. 3 must take necessary steps for release of leave encashment in favour of the applicant.</p> <p>Accordingly, the respondent No. 3, Executive Engineer, East Midnapore Division, Irrigation and Waterways Directorate is directed to take necessary steps for grant of leave encashment in favour of the applicant for the entire period of 300 days of Earned Leave within a period of twelve weeks from the date of communication of the order.</p> <p>With the above direction, the original application is disposed of.</p> <p>Let a plain copy of the order be supplied to both parties.</p> <p style="text-align: center;"><b>S. K. DAS</b>                      <b>R. K. BAG</b> <b>MEMBER(A)</b>                      <b>MEMBER(J)</b></p>	

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