

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

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

**Case No –OA 805 OF 2015**

**Giridhari Bhadra 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>15 27.03.2019</p>	<p>For the Applicant : Mr. S.K. Mondal, Learned Advocate.</p> <p>For the Respondents : Mr. S. Ghosh, Learned Advocate.</p> <p>For the A.G. (A &amp; E), W.B. : Mr. B. Mitra, Departmental Representative.</p> <p><i>The applicant has prayed for direction upon the respondents for fixation of pay in the promotional post of Health Assistant (Male), Grade II with effect from the month of October, 2009 and re-fixation of pension and other retirement benefits.</i></p> <p><i>The contention of the applicant is that he was working as Health Assistant (Male), Grade III in the establishment of the respondent No. 4, Block Medical Officer of Health, Kelejora Block Primary Health Centre, District – Burdwan. The further contention of the applicant is that he got promotion to the post of Health Assistant (Male), Grade II, but the pay of the applicant was not fixed in terms of his promotion to the post of Health Assistant (Male), Grade II and</i></p>	

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	<p><i>pension and other retirement benefits of the applicant were not revised after his retirement from service on January 31, 2010.</i></p> <p><i>The issue for consideration of the Tribunal is whether the applicant was granted promotion from the post of Health Assistant (Male), Grade III to the post of Health Assistant (Male), Grade II with effect from the month of October, 2009. Admittedly, the applicant retired from service on January 31, 2010 and got pension and other retirement benefits in terms of last pay drawn by him in the post of Health Assistant (Male), Grade III. The onus lies on the applicant to establish that he got promotion to the post of Health Assistant (Male), Grade II with effect from the month of October, 2009. The applicant has miserably failed to discharge his onus by placing the order of promotion or any other document to establish that he got promotion to the post of Health Assistant (Male), Grade II before his retirement from service. Since the applicant has miserably failed to establish that he got promotion to the post of Health Assistant (Male), Grade II, he is not entitled to get the benefit of fixation of pay in the promotional post of Health Assistant (Male), Grade II with effect from the month of October, 2009 as contended on behalf of the applicant.</i></p> <p><i>In view of our above findings, the applicant is not</i></p>	

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Rajib	<p><i>entitled to get any relief in the present application. As a result, the present application is dismissed.</i></p> <p><b>S. K. DAS</b> <b>MEMBER(A)</b></p> <p><b>R. K. BAG</b> <b>MEMBER(J)</b></p>	

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