

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

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

**Case No –OA 822 OF 2016**

**Ashis Mondal & 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>11 19.06.2019</p>	<p>For the Applicants : Mr. S. Samanta, Mr. P.K. Mandal, Learned Advocates.</p> <p>For the Respondents : Mr. M.N. Roy, Learned Advocate.</p> <p>The applicants have prayed for quashing of the decision dated November 20, 2015 taken by the Committee consisting of Principal Secretary to the Government of West Bengal, Department of Finance, Principal Secretary to the Government of West Bengal, Department of Forest and Principal Chief Conservator of Forest, Directorate of Forest, Government of West Bengal.</p> <p>The applicants previously approached the Tribunal by filing OA 307 of 2014 praying for various reliefs including grant of service benefits to the applicants. On August 4, 2015, the Tribunal disposed of OA 307 of 2014 by directing the Principal Secretary to the Government of West Bengal, Department of Finance, Principal Secretary to the Government of West Bengal, Department of Forest and Principal Chief Conservator of Forest, Directorate of Forest, Government of West Bengal for taking a decision on consideration of all aspects of the issues involved in the said application including recommendation made by Pandey Committee without being guided by the sole consideration of the 4<sup>th</sup> and 5<sup>th</sup> Pay Commission for upgradation of pay. The decision was rendered by the Committee on December 10, 2015 by negating the</p>	

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	<p>claim made by the applicants.</p> <p>On consideration of the decision of the Committee, we find that the Committee formulated the following four issues for consideration in terms of the judgment passed by the Tribunal :</p> <p>“(i) Whether the recommendation of the Pandey Committee as referred to by the petitioners is applicable ;</p> <p>(ii) Whether the petitioners are comparable with West Bengal Subordinate Land and Land Reforms Officers, Sub-Divisional Information Officers, Sub-Registrars, Assistant Commercial Tax Officers, Sub-Assistant Tax Officers and others ;</p> <p>(iii) Whether the petitioners are comparable with the similarly placed Forest Rangers of other States ;</p> <p>(iv) They are entitled to scale of pay and gazetted status on the grounds as mentioned at (i), (ii) and (iii) hereinabove.”</p> <p>By referring to the reasons given by the Committee on each of the issues, Mr. Samanta, Learned Counsel representing the applicants contends that the Members of the Committee have not at all considered the report of the Pandey Committee, whereas the Tribunal specifically directed the Members of the Committee to consider all aspects of the matter including report of the Pandey Committee. He further submits that the decision has not been taken by the Members of Committee in terms of the observation</p>	

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	<p>and direction given by the Tribunal. On the other hand, Mr. Roy, Learned Counsel representing the State respondents submits that the Members of the Committee have considered the report of the Pandey Committee but the report of the said Committee was not binding on the State Government and as such the applicants could not be granted pay scale and status claimed by them.</p> <p>Having heard Learned Counsel representing both parties and on consideration of the reasons assigned by the Members of the Committee on each of the issues formulated by them in terms of the direction of the Tribunal, we find that the claim of the applicants for grant of pay scale enjoyed by the Subordinate Land and Land Reforms Officers, Assistant Commercial Tax Officers etc. has been rightly turned down by the Committee. It goes without saying that the report of the Pandey Committee is not binding on the State Government, but the contents of the report should have been considered by the Members of the Committee as directed by the Tribunal. On consideration of the decision of the Committee, we are of the view that the Committee has considered the report of the Pandey Committee in substance, though not in proper form and thereby the observation of the Committee that the report of the Pandey Committee is irrelevant cannot be acceptable to us. Since the report of the Pandey Committee has been considered by the Committee in substance, we are unable to accept the contention made on behalf of the applicants that the decision of the Committee is not in conformity with the observation and direction of the Tribunal.</p>	

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Rajib	<p>In view of the long standing grievances of the applicants for upgradation of their pay scale and status as Forest Rangers and in view of the observation made by the Members of the Committee that the demands of the applicants should be placed before the 6<sup>th</sup> Pay Commission of the Government of West Bengal for consideration, we direct the respondent No. 2, Principal Secretary to the Government of West Bengal, Department of Forest to place the demands of the applicants as Forest Rangers for upgradation of their pay scale and for upgradation of their status as Forest Rangers before the 6<sup>th</sup> Pay Commission of the Government of West Bengal within a period four weeks from the date of communication of this order.</p> <p>With the above observation and direction, the original application stands disposed of.</p> <p style="text-align: center;"><b>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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