

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

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

Case No –OA 84 OF 2018

Minakshi De & 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 style="text-align: center;">7</p> <hr/> <p>20.06.2019</p>	<p>For the Applicants : Mr. I. Dasgupta, Learned Advocate.</p> <p>For the Respondents : Mr. M.N. Roy, Learned Advocate.</p> <p>The applicants have prayed for direction upon the respondents for granting them benefit of Modified Career Advancement Scheme (in short, MCAS) for completion of 25 years of continuous and satisfactory service after quashing of the order dated May 23, 2017 issued by the Principal Secretary to the Government of West Bengal, Department of School Education, by which benefit of MCAS was denied to the applicants who retired from service before December 1, 2012.</p> <p>The applicants joined in the post of Sub-Inspector of Schools on different dates and completed 25 years of continuous and satisfactory service. They retired from service before December 1, 2012. The applicants approached the Tribunal by filing OA 717 of 2016 praying for granting them benefit of MCAS for completion of 25 years of continuous and satisfactory service in terms of Finance Department G.O. No. 10580-F(P) dated December 28, 2012 which came into force on December 1, 2012. The terms and conditions for grant of third higher scale of pay after completion of 25 years of</p>	

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	<p>service in terms of G.O. dated December 28, 2012 will be the same as laid down in Finance Department Memo No. 3015-F dated March 13, 2001. On September 15, 2016, the Tribunal disposed of OA 717 of 2016 by directing the Principal Secretary to the Government of West Bengal, Department of School Education to consider the representation submitted by the applicants in accordance with rules by passing a reasoned order after giving the applicants an opportunity of hearing within specific period of time. The reasoned order dated May 23, 2017 passed by the Principal Secretary to the Government of West Bengal, Department of School Education was issued in terms of the direction given by the Tribunal in OA 717 of 2016. The said reasoned order dated May 23, 2017 is now under challenge in the present original application.</p> <p>Mr. Dasgupta, Learned Counsel representing the applicants contends that two classes of employees have been created by the impugned order dated May 23, 2017 – one class of employees who retired before December 1, 2012, will be deprived of the benefit of third higher pay scale in spite of completion of continuous and satisfactory service of 25 years and the other class of employees who retired after December 1, 2012, will get the benefit of third higher pay scale after completion of 25 years of continuous and satisfactory service. According to Learned Counsel for the applicants, this classification is unreasonable and arbitrary and as such the same must be quashed by the Tribunal. He has further pointed out that one Aditya Hazra who retired in March, 2012 got the benefit of third higher pay scale after completion of 25 years of service, though he has failed to place on record any document to</p>	

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	<p>substantiate his claim that Aditya Hazra retired from service before December 1, 2012. On the other hand, Mr. Roy, Learned Counsel representing the State respondents categorically submits that the State Government has reasonably classified the employees who retired before December 1, 2012 and those who retired after December 1, 2012 for the purpose of grant of third higher pay scale for completion of 25 years of continuous and satisfactory service.</p> <p>Having heard Learned Counsel representing both parties and on consideration of the impugned order under challenge in the present application, we find that the present applicants retired from service before December 1, 2012 and MCAS benefit for completion of 25 years of continuous and satisfactory service was given to the employees who retired after December 1, 2012. A date must be fixed by the Government for giving effect of any Government order whereby benefits are given to the Government employees and such fixing of date will always deprive a section of the Government employees who will have grievance for not getting financial benefit in terms of the said G.O. We do not find any merit in the submission made on behalf of the applicants that the G.O. by which financial benefits are given to the Government employees who retired after December 1, 2012 is arbitrary or unreasonable. We have already observed that Learned Counsel for the applicants has failed to place on record any document to substantiate the claim that Aditya Hazra who got the benefit of third higher pay scale for completion of 25 years of continuous and satisfactory service retired before December 1, 2012. In view of our observation, the impugned order dated May 23, 2017 is found to</p>	

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