

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

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

Case No – TA - 1519 of 1997

Samar Kumar Basu 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>25</p> <hr/> <p>12.09.2018</p>	<p>For the Applicant : Mr. S.N. Ray, Learned Advocate.</p> <p>For the State Respondent No. 1 : Mr. M.N. Roy, Learned Advocate.</p> <p>The petitioner approached the Hon'ble High Court by filing writ application in the year 1994, which was transferred to the Tribunal and posted for hearing on September 1, 2006 as TA 1519 of 1997. The petitioner has prayed for direction upon the respondents for fixation of pay by giving pay protection to the petitioner w.e.f. October 14, 1986, when one Sanat Kumar Chatterjee, the junior colleague of the petitioner got the higher scale of pay.</p> <p>Learned Counsel for the petitioner contends that the petitioner joined as Sub-Divisional Food Inspector on August 28, 1976, whereas one Sanat Kumar Chatterjee joined as Sub-Divisional Food Inspector on October 14, 1986. However, Learned Counsel for the petitioner has failed to produce any document in support of his contention that Sanat Kumar Chatterjee was junior to the petitioner in the same service. The petitioner submitted one representation for refixation of pay at par with his junior colleague before the Secretary to the Government of West Bengal, Finance Department on May 2, 1994. The grievance of the petitioner is that the said representation has not been considered by the</p>	

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Rajib	<p>concerned Secretary to the Government of West Bengal.</p> <p>Having heard Learned Counsel representing both parties and on consideration of the materials on record, we find that the petitioner has failed to establish by producing relevant documents that the petitioner was senior to Sanat Kumar Chatterjee as Sub-Divisional Food Inspector. Moreover, the representation submitted by the petitioner cannot be considered directly by the Secretary to the Government of West Bengal, Finance Department, bypassing Director of Health Services, Government of West Bengal and bypassing the Secretary to the Government of West Bengal, Department of Health and Family Welfare. In view of our above findings, we hold that the petitioner has failed to establish that he is entitled to get pay protection by refixation of his pay with effect from the date when his immediate junior in service, Sanat Kumar Chatterjee got higher scale of pay. Accordingly, we cannot persuade ourselves to grant any relief to the petitioner. As a result, the present application is dismissed.</p> <p style="text-align: center;">(Dr. S.K. Das) Member (A)</p> <p style="text-align: center;">(R.K. Bag) Member (J)</p>	

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