

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson and Administrative Member

Case No. –OA 171 OF 2024

AKBAR ALI KHAN - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. For the Applicant : Mr. Bharat Bhushan,
and Advocate
Date of For the State Respondents : Mr. G.P. Banerjee,
order Mr. S.N. Ray,
Advocates

2
09.05.2024

The matter is taken up by the single Bench pursuant to the order contained in the Notification No.638-WBAT/2J-15/2016 (Pt.-II) dated 23rd November, 2022 issued in exercise of the powers conferred under section 5(6) of the Administrative Tribunals Act, 1985.

On consent of the learned counsels for the parties, the case is taken up for consideration sitting singly.

Learned counsels have not presented copies of Notification 3821 and letter 3490. Let such memos be presented on the next date of hearing. The applicant was awarded scale No.14, ROPA, 98 by order No.1654/ICDM-Dte dated 27th October, 2016. The relevant part of the order is as follows:

“Now in compliance with order of the Ld. WBAT, vide its order dtd. 15.09.2014 in original application no.205 of 2014, Shri Akbar Ali Khan – Vs – the state of West Bengal & Others and subsequent order of Department of Women & Child Development and Social Welfare, Govt. of West Bengal, vide order No. 441-SW/FS/2M-65/15 dtd. Kolkata 21-06-2016 and in concurrence with the Finance Deptt. U.O. No. Group-P1/2016-17/0023 dtd 11-04-2016, he is allowed to draw pay in the scale of pay Rs. 5500 – 11325/- (Scale no.14,ROPA,98) w.e.f. the date he took over the charge of Acting Child Development Project Officer, i.e. 29/12/2000 (F.N.) in the officiating capacity and to continue till he will hold the officiating charge of Acting Child Development Project Officer.”

Submission of Mr. Bhushan is that the applicant's pay was fixed at Scale No.14 from 29.12.2000, the day when he took over the charge of acting Child Development Project Officer. Submission is that such officiating charge continued till his superannuation in April, 2023. The pay slip for the month of April, 2023 shows his pay at

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THE STATE OF WEST BENGAL & ORS.

Scale No.14. Further, Mr. Bhushan refers to a memo No. 536 (F) dated 01.10.2019 and prays for a direction to the respondent authorities to sanction the applicant his pension @ 50% of the last basic pay drawn by him.

In response, Mr. Ray, however, argues that the very scale No.14 is in dispute and such matters are pending for adjudication in the Tribunal. Unless these applications for scale No.14 is concluded, awarding this scale to the applicant will draw more litigations. Mr. Ray wishes to file a reply responding to the submissions of Mr. Bhushan and explain the legal impediments the respondents will face in granting pension to the applicant as per scale No.14.

Mr. Bhushan has also prayed for a direction to the respondent authorities to grant provisional pension to the applicant. Mr. Ray in his response submits that respondent authority will consider such prayer for provisional pension at the earliest if such representation from the applicant is received.

Having heard the submissions today, let the learned counsels present copies of the above mentioned memos before this Tribunal on the next date. As regards the prayer of provisional pension Mr. Ray's submission is recorded. Hence, the respondent No.2, the Director of ICDS and the respondent No.4, the CDPO, Berhampore (Rural) are directed to grant provisional pension as admissible to the applicant within a period of three months from the date of communication of this order if such a representation is furnished by the applicant.

The matter is admitted.

Let the matter appear under the heading "Reply, Rejoinder and Objection" on 24.09.2024.

(SAYEED AHMED BABA)
OFFICIATING CHAIRPERSON
and MEMBER (A)

SCN.