

# 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 - 60 of 2024

Sarmistha Saha & Anr. - Vs - The State of West Bengal & Ors.

Serial No. and  
Date of order

07  
12.06.2025

For the Applicant : Mr. Kamalesh Bhattacharya,  
Mrs. Sunita Agarwal,  
Learned Advocates.

For the State : Mr. S.N. Ray,  
Respondents Learned Advocate.

For the Pr. A.G.W.B. Mr. B. Mitra.

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.

Mr. Ray files a report signed by Sr. Law Officer in Memo 518 dated 24.01.2025. My attention has been drawn to para 6 & 7 of the report which is titled as “**OA-60 of 2024 in the matter of Sarmistha Sagha & Anr.—Vs. The State of West Bengal & Ors.** Relevant para 6 & 7 are as under :-

*The 02 (two) applicants have been repatriated from Acting CDPO to Assistant CDPO vide Order No. 1049/ICDM-Dte. dt. 22.07.2020 and they were not petitioners in the WPST 104 of 2020 wherein it was ordered that only petitioners will get the pay protection the scale of CDPO, i.e. Pay Scale No. 14. Hence, as per such order, both the petitioners are not eligible for pay protection as they have not*

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*participated in the WPST 104 of 2020. As of now their retirement benefits have been calculated on the basis of pay Scale of the Assistant CDPOs i.e. Scale No. 10 (depending upon the tenure of their service).*

*It may be stated that the Applicant No. 1 & 2 were not petitioners of the WPST 104 of 2020, therefore, pension and pensionary benefits should be fixed in the original Scale of Assistant CDPOs i.e. Scale No. 10 and subsequently Scale No. 11,12 or 13 depending on award of CAS benefit in accordance with length of service OPR and submission of Asset Statements.*

Arguments presented by Mr. Ray is that as clear from the above paragraphs of the report since the applicant was not a petitioner in WPST 104 of 2020, therefore, her claim for Scale No. 14 is not admissible.

However, Mr. Kamalesh Bhattacharya, learned counsel representing the applicant emphasised that the applicant was a petitioner in the SLP 7420 of 2012 with Civil Appeal of 2521 of 2013.

Submission of Mr. Bhattacharya is that in terms of para 14 of the order, the applicant is very well entitled to benefit from the Pay Scale No. 14. The paragraph 14 of the judgement is as under :-

In the result, the appeal is allowed. The impugned order

**ORDER SHEET**

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as also the one passed by the Tribunal are set aside and the respondents are directed to pay salary and allowances to the appellants in the pay scale of the post of CDPO with effect from the date they took charge of those posts. This exercise must be completed within 8 (eight) weeks from today. The arrears shall be paid to the appellants within a period of 9 (nine) months.

Let the matter appear under the heading **Hearing**  
**on 18.09.2025.**

**(SAYEED AHMED BABA)**  
**OFFICIATING CHAIRPERSON AND MEMBER (A)**

SC