

Present-

The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson & Member(A)

Case No. – OA 892 of 2021

Bangabala Batabyal - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order For the Applicant : Mr. A.K. Bera,
Learned Advocate.

05
01.12.2022

For the State Respondent : Mr. S. Ghosh,
Learned Advocate.

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 contesting parties,
the case is taken up for consideration sitting singly.

In this application, the prayer is for a direction to the respondents to give higher scale of selection Grade-1 benefits to Probodh Kumar Batabayal, former Assistant Engineer, Irrigation and Waterways Department since retired and expired. The applicant is the un-married daughter of the employee. Submission of the learned counsel is that presently she is receiving the family pension but benefits of the Selection Grade-1 which her father was due to get has not been given. Therefore, a direction may be given to grant this benefit and revise her pension accordingly.

It appears that the matter of benefits under selection Grade-1 to the former employee was under consideration as evident from several documents appearing in this application. In particular, correspondence appearing at page 19-20 in which, the Director of Personnel & Ex-Officio Chief Engineer mention that to sanction this benefit, first a supernumerary post for Proboth Kumar Batabyal has to be created. This suggestion was given by the Director of Personnel to the Department of Irrigation & Waterways on 04.06.1993 appearing at page 20.

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The counsel for the application submits that since then there has not been any update regarding the progress of the matter. In this regard, the employee Proboth Kumar Batabyal had also furnished a representation to the Deputy Secretary of the Irrigation & Waterways Department on 01.02.1993.

Mr. S. Ghosh, learned counsel appearing on behalf of the state respondents submits that if a direction is given to consider and to dispose of the representation, the same shall be followed as per relevant Rules.

Having heard both the learned counsels, the matter is disposed of by directing the respondents No. 2, the Director of Personnel & Ex-Officio Chief Engineer, Irrigation & Waterways Department to consider and pass a reasoned order on the representation of the deceased Proboth Kumar Batabyal appearing at page 21 in view of a proposal for creation of a supernumerary post as proposed by the then Director of Personnel to the Department on 04.06.1993 appearing at page 20. The respondents shall consider and pass a reasoned order as per law within a period of 12 weeks from the date of this order and communicate the same to the applicant within 2 weeks thereafter.

The application is disposed of.

SAYEED AHMED BABA
Officiating Chairperson & MEMBER (A)

H.S