

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

**The Hon'ble JUSTICE RANJIT KUMAR BAG
& The Hon'ble DR. SUBESH KUMAR DAS**

Case No – OA 1059 OF 2016

Prakash Chandra Kundu 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
10 <hr/> 29.01.2019	<p><i>For the Applicant : Mr. D. Bhaduri, Learned Advocate.</i></p> <p><i>For the State Respondents : Mrs. S. Agarwal, Learned Advocate.</i></p> <p><i>The applicant has prayed for direction upon the respondents for grant of enhanced arrears of salary by taking into consideration enhanced DA sanctioned by the Government of India from time to time during the period from May 15, 2000 to September 30, 2004.</i></p> <p><i>The applicant was appointed as President of District Consumer Dispute Redressal Forum on May 15, 2000 by the Secretary to the Government of West Bengal, Department of Consumer Affairs in terms of Section 10(2) of the Consumer Protection Act, 1986. The applicant previously approached the Tribunal praying for enhanced DA during the period of service as President of District Consumer Dispute Redressal Forum by filing OA 1455 of 2011, which was disposed of On September 18, 2013. This Tribunal gave direction to the concerned respondents in the said original application for disbursement arrears of pay and allowance to the applicant on the basis of his last pay drawn after fixation of his pay in terms of revised</i></p>	

ORDER SHEET

Prakash Chandra Kundu

Form No.

Vs.

The State of West Bengal & Ors.
.....

Case No. **OA 1059 OF 2016**

pay slip issued on July 09, 2007. According to the applicant, the order of the Tribunal was not complied with and as such the applicant had to approach the Tribunal by filing contempt application (CCP 114 of 2014) which was disposed of November 24, 2015 by observing that there was no provision for payment of DA as sanctioned by Government of India from time to time to the President of District Consumer Redressal Forum and thereby the contempt application was disposed of. Without ventilating his grievance before the higher forum after the disposal of the said contempt application, the applicant again approached the Tribunal for the second time by filing the present application praying for the same relief.

The applicant has failed to produce copy of the letter of appointment for joining in the post of President of District Consumer Dispute Redressal Forum and as such we are in the dark about the terms and condition of appointment of the applicant in the post of President of District Consumer Dispute Redressal Forum. It appears from memorandum dated May 27, 2009 issued by the Finance Department, Audit Branch, Government of West Bengal (Annexure III to the reply of the state respondent) that the president of District Consumer Dispute Redressal Forum is entitled to get pay and allowance last drawn by him as District Judge and Member of West Bengal Higher Judicial Service minus pension after amendment of Rule 3

ORDER SHEET

Prakash Chandra Kundu

Form No.

Vs.

The State of West Bengal & Ors.

Case No. **OA 1059 OF 2016**

of the West Bengal Consumer Protection Rules, 1987. Prior to the said amendment which took place on June 01, 2009, the President of District Consumer Dispute Redressal Forum used to receive consolidated honorarium of Rs. 15,000/- per month or such consolidated honorium as would have been fixed by the State Government from time to time. Accordingly, there is nothing on record to indicate that the applicant is entitled to get enhanced arrears of salary including DA at the rate prescribed by the Government of India during the period of service of the applicant as President of District Consumer Dispute Redressal Forum. Apart from the above observation, we are also constrained to point out that the present application is clearly barred under principles of res judicata, as the issues involved in the present application have already been decided by the Tribunal in OA 1455 of 2011 and CCP 114 of 2014 arising out of the said OA 1455 of 2011.

The original application is, thus, dismissed.

Let a plain copy of the order be supplied to both parties.

H.S

**(S.K.DAS)
Member (A)**

**(R.K.BAG)
Member (J)**

ORDER SHEET

Prakash Chandra Kundu

Form No.

.....

Vs.

The State of West Bengal & Ors.

Case No. OA 1059 OF 2016

.....