

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

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

Case No – OA 848 OF 2013

Abul Huda & Others 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 style="text-align: center;">28</p> <hr/> <p>06.03.2019</p>	<p><i>For the Applicants : Mr. T.D. Roy, Learned Advocate.</i></p> <p><i>For the Respondents : Mr. S. Bhattacharya, Departmental Representative.</i></p> <p><i>For the Finance Department : Mr. S.N. Ray, Learned Advocate.</i></p> <p><i>For A.G.,(A&E), W.B. : Mr. B. Mitra, Departmental Representative.</i></p> <p><i>The applicants have prayed for direction upon the respondents for granting benefit of Carrier Advance Scheme for completion of 20 years of service without getting any promotion as directed by the Hon'ble Supreme Court in Civil Appeal No. 1179 of 2002 and in terms of Memo No. 713 F (law)/IN-106/98 dated June 15, 2005 issued by the Joint Secretary to the Government of West Bengal, Department of Finance, Audit Branch (Law Cell).</i></p> <p><i>The contention of the applicants is that the</i></p>	

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applicants joined in the post of Amin under Settlement Officer, Birbhum and retired from service. The grievance of the applicants is that they have been deprived of benefit of Carrier Advancement Scheme after completion of 20 years of satisfactory service, though they are entitled to get such benefit in terms of the direction given by the Hon'ble Supreme Court and in terms of the order passed by the Finance Department, Audit Branch, Law Cell, Government of West Bengal.

Having heard Learned Counsel for the applicants and the departmental representative of the state respondents and Learned Counsel for the respondent, Finance Department, we find that the Amins are entitled to get scale no. 7, 8 or 9 in terms of ROPA 1990 and also benefit of Modified Carrier Advancement Scheme in terms of ROPA 1998 as decided by the Hon'ble Supreme Court in the judgment dated December 01, 2004 in Civil Appeal No. 1197 of 2002. The direction given by the Hon'ble Supreme Court in the said judgment has been implemented by the State of West Bengal by issuing memo no. 713 F (law)/IN-106/98 dated June 15, 2005 of the Joint Secretary to the Government of West Bengal, Department of Finance, Audit Branch (Law Cell). Sufficient materials have not been placed before us to decide whether the applicants are entitled to get benefit of

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Carrier Advancement Scheme for completion of 20 years of service without getting any promotion in terms of the direction given by the Apex Court and in terms of the order issued by the Finance Department, Audit Branch, Law Cell, Government of West Bengal. Accordingly, we are of the view that the respondent no 4, Director of Land Records & Survey and Joint Land Reforms Officer, West Bengal will consider whether the applicants are entitled to get benefit of Carrier Advancement Scheme for completion of 20 years of service in terms of the judgment of the Hon'ble Supreme Court and in terms of the memorandum issued by the Finance Department, Audit Branch, Law Cell, Government of West Bengal.

In view of our above observation, the respondent no. 4, Director of Land Records & Survey and Joint Land Reforms Officer, West Bengal is directed to consider whether the applicants are entitled to get benefit of Carrier Advancement Scheme for completion of 20 years of service in terms of the judgment passed by the Hon'ble Supreme Court and in terms of the order issued by the Finance Department, Audit Branch, Law Cell, Government of West Bengal by passing a reasoned order after verification of record within a period of 16 (sixteen) weeks from the date of communication of the order and take necessary follow up action, if any, within a period of

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8 (eight) weeks thereafter.

With the above direction, the original application stands disposed of.

Let the urgent certified copy of the order be supplied to both parties, on prior basis, if applied for after compliance of necessary formalities.

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

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

H.S