

ORDER SHEET**WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-**

**The Hon'ble Justice Ranjit Kumar Bag
& The Hon'ble Subesh Kumar Das**

Case No –OA 491 OF 2017

Adinath Mukherjee 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>11</p> <hr/> <p>18.07.2019</p>	<p>For the Applicant : Mrs. S. Mitra, Mrs. V. Chakraborty, Mr. R.L. Chakraborty, Learned Advocates.</p> <p>For the State respondents : None.</p> <p>For A.G., W.B. : Mr. B. Mitra, Departmental Representative.</p> <p>The applicant has prayed for direction upon the respondents for grant of financial benefits in terms of the order passed by the Secretary to the Government of West Bengal, Department of Youth Services.</p> <p>The applicant retired as Block Youth Officer on March 31, 2007 from the establishment of the respondent No. 6, District Youth Officer, Murshidabad. Previously, the applicant approached this Tribunal by filing OA 931 of 2012 parrying for grant of higher pay scale in terms of the order passed by the Hon'ble High Court in WPST No. 160 of 2011. On November 26, 2012 the Tribunal disposed of OA 931 of 2012 by directing the Secretary to the Government of West Bengal, Department of Youth Services to consider the grievance of the applicant in connection with revision of his pay scale in terms of the findings of the Hon'ble High Court in WPST No. 160 of 2011 by passing a speaking and reasoned order within stipulated period of time. The respondent No. 2, Secretary to the Government of West Bengal, Department of Youth Services passed a</p>	

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reasoned order on June 11, 2014 in compliance with the direction given by the Tribunal in OA 931 of 2012. It appears from the said reasoned order that the respondent No. 2 had come to the conclusion that the applicant is entitled to get the benefit of higher scale during the period from February 23, 2001 to March 31, 2007 on the ground that the applicant is similarly circumstanced with the petitioners of WPST No. 291 of 2007, but the respondent No. 2 directed the respondent No. 3 to obtain the concurrence of the Finance Department, Government of West Bengal in this regard. Naturally, the final decision has not been taken by the respondent No. 2 as to whether the applicant is entitled to get higher pay scale in terms of the order passed by the Hon'ble High Court for other Block Youth Officers.

None appears on behalf of the State respondents in this case.

Having heard Learned Counsel for the applicant and the departmental representative of the respondent AG, West Bengal, we find that the respondent No. 2 has not taken the final decision after obtaining concurrence of the Finance Department, Government of West Bengal in compliance with the order passed by the Tribunal on November 26, 2012 in OA 931 of 2012. Accordingly, we are of the view that the respondent No. 2 should take up the issue of giving financial benefit to the applicant in terms of the order passed by him on June 11, 2014 after obtaining concurrence of the Finance Department, Government of West Bengal without delegating the same to the respondent No. 3, Director, Directorate of Youth Services, Department of Youth Affairs, Government of West Bengal.

In view of our findings, the respondent No. 2, the Principal Secretary to the Government of West Bengal, Department of Youth Services is directed to take follow-up action of the order passed by him on June 11, 2014 and take final decision after obtaining concurrence of the Finance Department, Government of West Bengal in connection with payment of

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higher pay scale to the applicant within a period of twelve weeks from the date of communication of the order and communicate the same to the applicant within a period of eight weeks thereafter.

With the above direction, the original application stands disposed of.
Let a plain copy of the application be supplied to both parties.

(Dr. S.K. Das)**Member (A)****(R.K. Bag)****Member (J)****Rajib**

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