WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

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

Case No - TA - 1519 of 1997

Samar Kumar Basu Vs The State of West Bengal & Ors.

Serial No. and	Order of the Tribunal with signature	Office action with date
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25	For the Applicant : Mr. S.N. Ray,	
25	Learned Advocate.	
12.09.2018	For the State Respondent No. 1 : Mr. M.N. Roy,	
	Learned Advocate.	
	The petitioner approached the Hon'ble High Court by filing	
	writ application in the year 1994, which was transferred to the	
	Tribunal and posted for hearing on September 1, 2006 as TA 1519	
	of 1997. The petitioner has prayed for direction upon the	
	respondents for fixation of pay by giving pay protection to the	
	petitioner w.e.f. October 14, 1986, when one Sanat Kumar	
	Chatterjee, the junior colleague of the petitioner got the higher	
	scale of pay.	
	Learned Counsel for the petitioner contends that the petitioner	
	joined as Sub-Divisional Food Inspector on August 28, 1976,	
	whereas one Sanat Kumar Chatterjee joined as Sub-Divisional Food	
	Inspector on October 14, 1986. However, Learned Counsel for the	
	petitioner has failed to produce any document in support of his	
	contention that Sanat Kumar Chatterjee was junior to the	
	petitioner in the same service. The petitioner submitted one	
	representation for refixation of pay at par with his junior colleague	
	before the Secretary to the Government of West Bengal, Finance	
	Department on May 2, 1994. The grievance of the petitioner is	
	that the said representation has not been considered by the	

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Serial No. and Date of order. 1 Order of the Tribunal with signature 2 online action with date and dated signature of parties when necessary. concerned Secretary to the Government of West Bengal. Having heard Learned Counsel representing both parties and on consideration of the materials on record, we find that the petitioner has failed to establish by producing relevant documents that the petitioner was senior to Sanat Kumar Chatterjee as Sub-Divisional Food Inspector. Moreover, the representation submitted by the petitioner cannot be considered directly by the Secretary to the Government of West Bengal, Finance Department, bypassing Director of Health Services, Government of West Bengal, Department of Health and Family Welfare. In view of our above findings, we hold that the petitioner has failed to establish that he is entitled to get pay protection by refixation of his pay with effect from the date when his immediate junior in service, Sanat Kumar Chatterjee got higher scale of pay. Accordingly, we cannot persuade ourselves to grant any relief to the petitioner. As a result, the present application is dismissed. (Dr. S.K. Das) (R.K. Bag) Member (A) Member (J)			
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