

Dd 08 05.07.2023

WP.ST 85 of 2021

**Gouri Som
Vs.
The Principle Secretary, Government of West
Bengal, Department of Health and Family Welfare &
Ors.**

Mr. Bhaskar Chandra Manna, Advocate
... .. For the Petitioner

Mr. Tapan Kr. Mukherjee, APP
Mr. Pinaki Dhole,
Mr. Somnath Naskar, Advocates
... .. For the State

The writ petition is directed against an order dated January 14, 2020 passed in OA 574 of 2016. By the impugned order, the tribunal rejected the Original Application of the writ petitioner directed against the reasoned order dated November 19, 2015.

Learned advocate appearing for the writ petitioner submits that the writ petitioner is entitled to benefits under ROPA which was denied to the writ petitioner. All others received the benefits.

State is represented.

Writ petitioner approached the tribunal for benefits under ROPA by way of OA 591 of 2014 which was disposed of by the tribunal by an order dated July 30, 2015 requiring the Director of Health Services to consider and dispose of the representation made by the writ petitioner on January 14, 2014.

The Director of Health Services, pursuant to order dated July 30, 2015 heard the writ petitioner. He passed the order dated November 19, 2015.

In the order dated November 19, 2015, the Director of Health Services delineates the progress of the service career of the writ petitioner particularly with regard to the fixation of his pay. He records a finding that, the pay fixation of a number of employees was not made properly. Some employees so affected filed a writ petition. There was an advice to rectify the initial fixation of pay of such employees that is the option of such employees for revised scale of pay should also be related to revised scale of S.W.O. Grade-III post on March 31, 2070 that is the date before implementation of ROPA coming into effect. Accordingly. The Finance Department advised to recover the overdrawal due to irregular fixation of pay from such employees. The persons who received the benefit in terms of earlier writ petition refunded the amount of overdrawl. The present writ petitioner did not.

The order dated November 19, 2015 of the Director of Health Services contains elaborate reasons as to why the claim of the writ petitioner before us cannot be considered. The tribunal concurred with such view after discussing the contentions raised on behalf of the writ petitioner and did not find any merit therein.

In such circumstances, we find no merit in the present writ petition.

WP.ST 85 of 2021 is accordingly dismissed without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)