

WPA 19766 of 2022

Purnima Halder
Vs.
The State of West Bengal & Ors.

Mr. Mahadeb Ghosh
Mr. Nandadulal Bhandapadhyay
Mr. Pritam Ghosh

....for the petitioner

Mr. Bhaskar Prasad Vaisya
Mr. Nilay Baran Mondal

.....for the respondent Nos. 2 to 4

The petitioner prays for benefits of 3rd Career Advancement Scheme (CAS) benefits under the Office Order dated December 18, 2012 vide No. 1265, of her husband. He died on September 29, 2020.

Mr. Ghosh, learned counsel appearing on behalf of the petitioner submits that as per the Office Order of the Managing Director, the petitioner's husband joined service on November 17, 1986 in the 7th Scale of Pay under ROPA 1991. The first CAS benefits in the 9th Scale of Pay was given to the petitioner's husband with effect from 1994. The petitioner's husband was given the benefits of 2nd CAS benefits with effect from November 17, 2002. However, according to Mr. Ghosh the petitioner's husband was entitled to arrears of 2 CAS benefits with effect from November 17, 2002 till December 18, 2012.

The petitioner's husband instead of being given the benefits of 3rd CAS benefits in 2011, only his pay fixation in respect of the 2nd CAS benefits were made. She challenges the said arbitrary action on the part of the Managing Director, West Bengal Cooperative Milk Producers' Federation Limited (WBCMPFL).

Mr. Vaisya, learned counsel appearing on behalf of the WBCMPFL submits that the petitioner was wrongly shown to have been given pay scale - **7** on the date of joining vide Officer order dated November 14, 1986. From the appointment letter it would clearly appear that the Scale of Pay for the petitioner was 300-10-400-EB-15-565-20-685. Such a Scale related to Pay scale - **6** and not Pay scale- **7**.

Therefore, the widow of the employee who has affirmed the writ petition has wrongly stated on oath that the petitioner's husband is entitled to payment in Pay scale - **7** when the petitioner's husband is entitled to payment in Pay scale - **6**. He was appointed on Pay scale - **6** and was being wrongly paid in that Pay scale – **7**.

Considering the submissions of the parties and the materials placed on records, this Court directs the Managing Director, WBCMPFL to consider the representation of the petitioner dated June 1, 2022 with regard to the following issues :

(a) the pay scale at which the petitioner's husband was appointed and the Pay scale at which he was actually paid.

(b) the dates on which the 1st CAS and 2nd CAS benefits were granted and in which scale

In the event there are arrears dues payable to the petitioner from 2002 till 2012 in respect of 2nd CAS benefits the said issue shall also be taken into account while disposing of the representation of the petitioner.

The Managing Director will also decide the entitlement of the petitioner's husband to the 3rd CAS benefits after deciding the issue of the scale of pay at which the petitioner's husband was appointed.

Such representation of the petitioner will be disposed of within ten weeks from date upon giving personal hearing to the petitioner or her authorised representative.

A reasoned order will be passed and communicated to the petitioner within two weeks thereafter.

With the directions aforesaid, **WPA 19766 of 2022** is **disposed of**.

All parties are to act on a server copy of this order downloaded from the official website of this Hon'ble Court.

Urgent certified website copies of this order, if applied for, be made available to the parties subject to compliance with all requisite formalities.

(Lapita Banerji, J)