

DL-59

21.06.2023
Court No.5
(AD)

WP.ST 110 of 2021

**Ranjit Kumar Pakhira
Vs.
The State of West Bengal & Ors.**

*Mr. Pratip Chatterjee
Mr. Gautam Banerjee
Ms. Priya Dey*

... for the petitioner.

*Ms. Chaitali Bhattacharjee
Mr. Manas Kumr Sadhu*

... for the State.

The challenge in the present writ petition is the order dated February 12, 2020 passed in OA 760 of 2018.

By the impugned order, the learned Tribunal directed the Director of Land Records and Surveys, West Bengal to pay special allowance to the original applicant at the rate of Rs.25/- per month during the period from February 1, 1980 to March 31, 1981 in terms of the note of the Finance Department dated December 15, 2008 and in compliance with the direction given by the Tribunal in OA 1787 of 2000 within a period of twelve weeks from the date of communication of the order.

The thrust of the argument of the writ petitioner is the notification dated July 3, 1981. The relevant portion of such notification is as follows:

“The Pay Commission has also recommended

that the Administrative Allowance to Executive Engineers (at the rate of Rs.75 per month) and Special Allowance for outdoor work to Sub-Assistant Engineer (at the rate of Rs.25 per month) and Assistant Engineers (at the rate of Rs.40 per month) and the efficiency bonus for the Stenographers should also be abolished.

The Government has accepted these recommendations and the above-mentioned Qualification pay Administrative Allowance Special Allowance the efficiency bonus for the Stenographers shall cease to be drawn with effect from 1st April, 1981, provided, however, that those who are already drawing it shall cease to draw it with effect from the date from which they shall come under the revised pay scales. The abovementioned Qualification Pay Administrative Allowance Special Allowance for outdoor work shall be treated as part of the existing pay for the purpose of fixation of 'pay' in the revised scales. But the efficiency bonus for the Stenographers shall not be treated as part of the existing pay for the purpose of fixation of pay in the revised scale."

Learned Advocate appearing for the writ petitioner submits that, it is still open to the writ petitioner to receive special allowance for outdoor work as Sub-Assistant Engineer at the rate of Rs.25/- per month.

We are unable to accept such contention of the writ petitioner on the strength of the memo relied upon by the writ petitioner.

The memo speaks of cessation of the special allowance for outdoor work to the Sub-Assistant Engineer at the rate of Rs.25/- per month. The learned Tribunal directed payment of the special allowance for the period as specified therein.

Since State did not prefer any appeal from the impugned order, we are not minded to interfere with such portion of the direction of the learned Tribunal. We, however, find no merit in the claim as made by the writ petitioner over and in excess of the order impugned.

WP.ST 110 of 2021 is disposed of accordingly.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

