

ML-48

08.08.2023
Court No.5
(AD)

WP.ST 217 of 2015

**The State of West Bengal & Ors.
Vs.
Niranjan Chandra De & Ors.**

*Mr. Tapan Kumar Mukherjee,
Ld. Sr. Advocate & Ld. AGP
Mr. Supratim Dhar
... for the State-petitioners.*

The writ petition is directed against an order dated May 14, 2014 passed by the West Bengal Administrative Tribunal in OA-490 of 2012.

Learned Advocate appearing for the State-petitioners submits that, assailing the action of the State not granting the same scale of pay to Youth Organizers despite the West Bengal Services (Rules of Pay and Allowances), Rules, 1981 and the merger of the cadre, another original application being OA-1407 of 2012 was filed before the West Bengal Administrative Tribunal. Such original application being OA-1407 of 2012 was disposed of by an order dated May 14, 2014. The order of the Tribunal dated May 14, 2014 passed in OA-1407 of 2012 was challenged by the State by filing a writ petition under Article 226 of the Constitution of India being WP.ST 231 of 2016. WP.ST 231 of 2016 was disposed of by an order dated May 4, 2017 granting relief to

the original applicants. A Special Leave petition was preferred which was dismissed by the Hon'ble Supreme Court.

None appears for the private respondents.

It appears from the records that, in respect of the self-same grievances, two applications were filed before the Tribunal being OA-1407 of 2012 as well as OA-490 of 2012. Both the original proceedings were disposed of on May 14, 2014. State was aggrieved by the orders of the Tribunal dated May 14, 2014 passed in OA-1407 of 2012 as well as OA-490 of 2012. The challenge to the order dated May 14, 2014 passed in OA-1407 of 2012 before the Hon'ble High Court was disposed of by an order dated May 4, 2017. Special Leave Petition was carried against such order was dismissed.

By the impugned order dated May 4, 2017, the High Court observed that, the Tribunal directed the State to re-fix the pay of Block Youth Officers, who were the applicants before it and to grant higher scale of pay with retrospective effect from their dates of joining the post.

The private respondents herein being similarly situated and circumscribed as that of the private respondents in WP.ST 231 of 2016, the same direction is given in respect of the private respondents herein.

The Court is informed that, the State complied with the direction contained in the order dated May 4, 2017 passed in WP.ST 231 of 2016 and that, the private

respondents herein, are deriving benefits of such compliance.

In such circumstances, **WP.ST 217 of 2015** is disposed of without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

