

Dd 14 17.07.2023

WP.ST 75 of 2020
with
I.A NO: CAN 1 of 2020

Biswanath Sengupta & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Bikash Ranjan Neogi,
Mr. Rabin Gorai
Ms. Ananya Neogi, Advocates
... ... For the Petitioner

Mr. Tapan Kumar Mukherjee, AGP
Mr. Somnath Naskar, Advocates
... ... For the State

The writ petition is directed against an order dated June 19, 2019 passed by the West Bengal Administrative Tribunal in OA 822 of 2016.

Petitioners approached the tribunal with a claim that they were entitled to a scale of pay and gazette status as they are holding posts which are comparable with the West Bengal Subordinate Land & Land Reforms Officers, Sub-Divisional Information Officers, Sub-Registrars, Assistant Commercial Tax Officers and Sub-Assistant Tax Officers and others.

They also claimed that they are comparably and similarly placed with Forest Ranger of other States.

Initially, the petitioner approached the tribunal by OA 307 of 2014 which was disposed of by an order dated August 4, 2015 by directing the Principal Secretary Department of Finance, Principal Secretary, Department of Forest and Principal Secretary Chief Conservator of Forest for taking a decision.

The Committee so formulated, took a decision which was assailed by the petitioners by way of OA 822 of 2016.

By the impugned order dated June 19, 2019, the tribunal was of the view that, the decision of the Committee was in conformity with the direction of the tribunal. However, the tribunal noted that there are long standing grievances of the petitioners for upgradation of their pay scale and status as Forest Rangers. The members of the Committee observed that, the demands of the petitioners should be placed before the 6th Pay Commission of the Government of West Bengal for consideration.

In such circumstances, the tribunal directed the Principal Secretary, Department of Forest to place the demands of the petitioners as Forest Rangers for upgradation of their pay scale and for their upgradation of status as Forest Rangers before the 6th Pay Commission of the Government of West Bengal. The Court is informed that on June 19, 2019 when such direction was issued by the tribunal, the 6th Pay Commission of the Government of West Bengal already concluded his reference and submitted its report. Therefore, there was no question of sending the grievances of the writ petitioners to be considered by the 6th Pay Commission.

The order dated June 19, 2019 impugned herein, finds that, the Committee formulated by the order dated August 4, 2015 passed in OA 307 of 2014 recommended placement of the grievances of the writ petitioners before the 6th Pay Commission.

On a given plane, the tribunal accepts that there are grievances of the writ petitioners which require consideration at an appropriate level.

The State did not assail the impugned order before us.

The impugned order as on the date of its passing, that is, June 19, 2019 was unworkable to the extent it

directed consideration of the grievances by the 6th Pay Commission in view of the fact that 6th Pay Commission was not functioning at that material point of time.

In such circumstances, it would be appropriate to reconstitute the mechanisms for considerations of the grievances of the writ petitioners as formulated by the impugned order. In place and stead of the 6th Pay Commission, we direct that a 3-Member Committee be constituted for the purpose of considering the grievances of the writ petitioners. Such 3-Member Committee will be headed by the Principal Secretary, Finance and be comprised of the Principal Secretary, Forest and Chief Conservator of Forest.

The Committee so constituted is requested to look into the grievances of the writ petitioners as expeditiously as possible and take a decision thereon preferably within a period of three months from date. Writ petitioners are at liberty to submit their demands to the 3-Member Committee forthwith. The 3-Member Committee is at liberty to consider such documents and hear such parties as they deem appropriate. The 3-Member Committee is requested to grant the writ petitioners one opportunity of hearing. The 3-Member Committee will pass a reasoned order which will be communicated to the parties it heard forthwith, thereafter.

With the aforesaid direction, WP.ST 75 of 2020 along with all connected applications are disposed of accordingly.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)