

D/L 26
16.05.2025
Rohit
ct.no.04

WP.ST 229 of 2024

**Samir Kumar Biswas
Versus
The State of West Bengal & Ors.**

Mr. Tulshi Das Ray
Mr. Manish Biswas
Mr. Tirthankar Ray

...for the Petitioner

Mr. Tapan Kumar Mukherjee,
Sr. Adv, Ld. AGP

Ms. Sangeeta Roy

...for the State

1. A claim made by the writ petitioner for grant of benefits under the Modified Career Advancement (MCA for short) Scheme and Career Advancement (CA for short) Scheme has been rejected by the Director of Land Records and Surveys and Joint Land Reforms Commissioner, West Bengal (Commissioner for short) by an order dated 04.04.2022. The order records the entire history of the claim made by other similarly situated as the petitioner (Amins), to parity in the matter of pay with that being paid to surveyors.
2. The benefit was allowed by the High Court, but to be set aside by the Apex Court. Thereafter the order of the Commissioner records that the petitioners were

given benefits of being placed in the Pay Scale as per R.O.P.A with effect from 01.01.1996.

3. After recording the entire background the order of the authority reads as follows:

“Hence, after taking into consideration of the facts mentioned herein before, it can be safely concluded that the applicant pay had been fixed strictly in terms of the judgment passed by the Hon’ble Supreme Court and in terms of the order issued by the Finance Department, Audit Branch, Law Cell, Government of West Bengal. So, there is no question of further revision of Pay of the applicant.

With the above observation the case is disposed off and the order of the Hon’ble Tribunal dated 21.12.2021 is thus complied with.

Let a plain copy of that order be communicated to the applicant”.

4. The order purporting to reject the petitioner’s claim is by such an order extracted above which in our opinion does not contain any reasons whatsoever and is purportedly rejecting the petitioner’s claim for benefits of revision, whereas the benefits of MCA and CA was claimed by the petitioners. The order is

a cryptic order and cannot be sustained to deny the claimed benefits of the petitioner.

5. Assailing this order the petitioners who have long back retired approached the West Bengal Administrative Tribunal by filing O.A. No. 224 of 2023. After the matter was pending there for more than a year, they approached this Court by filing the present writ petition. They have approached the writ court during pendency of the matter before the Tribunal because on 07.09.2024 the Single Member Officiating Chair Person of the Tribunal was of the view that the matter is required to be placed before a Bench comprising of two Members (Judicial and Administrative). At least for the last three years the Tribunal is functioning with only one Administrative Member who is the Officiating Chair Person.
6. The writ petitioners who are senior citizens having retired long back, having waited before the Tribunal for more than a year have approached this Court. In the circumstances we have proceeded to consider the petitioners claim.
7. Having regard to the nature of the order dated 04.04.2022, extracted above we find that the order is unsustainable and, therefore, set aside the Commissioner's order dated 04.04.2022 remitting

the matter to respondent no. 3 to take decision afresh by a reasoned and speaking order.

8. To facilitate such consideration the learned counsel for the petitioners submits that he would be placing before the respondent no. 3 his entire service career to show that the petitioners did not get any promotional benefit and was suffering stagnation so as to entitle him to the benefits under the MCA and CA scheme.
9. Let such representation be filed within two weeks from date. Respondent No. 3 shall dispose of the claim within eight weeks thereafter by a reasoned and speaking order.
10. The writ petition stands disposed of accordingly.

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)