

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.(s). 6221 OF 2013

THE STATE OF WEST BENGAL

Appellant(s)

VERSUS

WEST BENGAL DAIRYMENS ASSOCIATION AND ORS

Respondent(s)

J U D G M E N TKURIAN, J.

(1) The appellant-State approached this Court with certain grievances regarding the fixation of pay of the respondents.

(2) On 10<sup>th</sup> January, 2018, Mr. R. Venkataramani, learned senior counsel appearing for the employees, made a submission that had there been no merger of the two directorates, the employees belonging to the respondent association would have been in a better position under the Career Advancement Scheme, 1990 (CAS) which was further modified on 13<sup>th</sup> March, 2001 and subsequently followed by Modified Career Advancement Scheme, 2001 (MCAS).

(3) Having said that we may also, for the purpose of clarity, make a limited reference to the dispute in-question.

(4) At the time of merger of the two directorates, it is the case of the appellant-State that the employees were given the benefit of merger by granting higher pay-scales and hence they were denied the benefit of CAS and MCAS. It was in that background, the above submission of learned senior counsel was

noted.

(5) Today Mr. R. Basant, learned senior counsel appearing for the appellant-State, on instruction, submits that the State does not want to pick a quarrel on this issue. In order to give a quietus, the State is prepared to grant the benefit of CAS/MCAS benefits to the employees, in case they forgo the benefits received under the scheme of merger.

In view of above, we dispose of this appeal as follows:

(1) The employees of the respondent-organisation shall be granted the benefit of CAS/MCAS, as were granted to other government employees under the said Schemes.

(2) The amounts already paid to the employees under the Scheme of Merger shall be adjusted while settling the monetary claims under CAS/MCAS.

(6) Needful shall be done by the appellant-State within two months from the date of receipt of copy of this judgment.

.....J.  
(KURIAN JOSEPH)

.....J.  
(MOHAN M. SHANTANAGOUDAR)

.....J.  
(NAVIN SINHA)

NEW DELHI,  
APRIL 24, 2018.

ITEM NO.4

COURT NO.5

SECTION XVI

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 6221/2013

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Respondent(s)

Date : 24-04-2018 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE KURIAN JOSEPH  
HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR  
HON'BLE MR. JUSTICE NAVIN SINHA

For Appellant(s)      MR. R. Basant, Sr. Adv.  
                                 Mr. Suhaan Mukerji, Adv.  
                                 Mr. Harsh Hiroo Gursahani, Adv.  
                                 Mr. Vishal Prasad, Adv.  
                                 Ms. Astha Sharma, Adv.  
                                 Mr. Amit Verma, Adv.  
                                 For M/S. Plr Chambers And Co.  
  
                                 Mr. Chanchal Kumar Ganguli, AOR

For Respondent(s)    Mr. R. Venkataramani, Sr. Adv.  
                                 Mr. R.K. Gupta, Adv.  
                                 Mr. B.P. Gupta, Adv.  
                                 Mr. A.K. Singh, Adv.  
                                 Mr. Shekhar Kumar, AOR

UPON hearing the counsel the Court made the following  
O R D E R

In terms of the signed non-reportable judgment, the appeal is disposed of.

Pending applications, if any, shall also stand disposed of.

(MAHABIR SINGH)  
COURT MASTER

(TAPAN KUMAR CHAKRABORTY)  
BRANCH OFFICER

(Signed Non-reportable judgment is placed on the file)

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BRANCH OFFICER

(Corrected Signed Non-reportable judgment is placed on the file)