

State Fishery Officers' Association, W. B. and Another

Vs

State Of W. B. and Another

SLP (C) No. 5388 of 1997

(K. Ramaswamy, K. T. Thomas JJ)

21.03.1997

ORDER

1. This special leave petition arises from the order of the Administrative Tribunal, Calcutta, made on 12-12-1996 in Case No. TA-268 of 1996. The petitioners had a dialogue with the Government of West Bengal to revise the service conditions of the employees in the Fishery Department, namely, Assistant Fishery Officers, Fishery Extension Officers etc. w.e.f. 1-4-1961. There was an agreement reached between the Government and the Union of the first petitioner. Subsequently, the Government have issued orders giving all the benefits except the monetary benefits from 1-4-1961 to 1-4-1981 prospectively. The petitioners have filed the petition in the Tribunal seeking direction for payment of arrears on the premise that it was a tripartite agreement and, therefore, the Government is bound by the undertaking given in the agreement. The Tribunal has perused the record and stated thus :

"It appears from the documents on record that the Finance Department was not a party to such decisions. Nor does it appear that subsequently concurrence of the Finance Department was obtained in this connection. Besides, it does not appear that the decision were translated into any formal government order. Be that as it may, it will not be proper to grant such financial benefits in favour of Assistant Fishery Officers, Fishery Extension Officers, etc. with effect from 1-4-1961 while other actions of the Government were to take effect only from 1-4-1981."

2. In view of the above finding and in view of the policy decision taken by the Government, it cannot be said that the decision of the Government is arbitrary. No direction can be given to the Government to grant the monetary benefits contrary to its policy which falls within the realm of the executive policy decision.

3. The special leave petition is accordingly dismissed.