

**ORDER SHEET**

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Present-**

The Hon'ble Justice Ranjit Kumar Bag  
& The Hon'ble Dr. Subesh Kumar Das

Case No – **OA 1309 OF 2014**

**Tuhin Kumar Karmakar** Vs The State of West Bengal & Ors.

Serial No. and Date of order. 1	Order of the Tribunal with signature 2	Office action with date and dated signature of parties when necessary 3
<u>14</u> 03.07.2018	<p><b>For the Applicant</b> : Mrs. Malabika Roy Dey, Learned Advocate.</p> <p><b>For the Respondents</b> : Mr. Manujendra Narayan Roy, Learned Advocate.</p> <p>The applicant has prayed for direction upon the respondents to give financial benefit to the applicant for denial of promotion to the post of Additional Supervisory Head Clerk in terms of G.O. dated October 15, 2008 and G.O. dated February 23, 2009 issued by the Special Secretary to the Government of West Bengal, Finance Department (Audit Branch).</p> <p>The applicant joined in the post of LDC in the establishment of Superintendent of Police, Burdwan on May 22, 1981. He got promotion to the post of UDC in the same establishment on May 20, 2003. The applicant retired from service on February 28, 2014. The grievance of the applicant is that he was denied promotion to the post of Additional Supervisory Head Clerk on the basis of G.O. issued by the Finance Department, Government of West Bengal on October 15, 2008 and February 23, 2009, though the applicant submitted series of representations before the authority concerned after retirement from service.</p> <p>Mrs. Malabika Roy Dey, Learned Counsel for the applicant contends that the posts of Additional</p>	

# ORDER SHEET

**Tuhin Kumar Karmakar**

Form No.

.....

**Vs.**

**The State of West Bengal & Ors.**

Case No. **OA 1309 OF 2014**

.....

Supervisory Head Clerk were not created in proper time on the basis of Government Orders issued by the Finance Department and thereby the applicant has been deprived of the benefit of promotional post, which would have been 10% of combined sanctioned strength of LDC and UDC. On the other hand, Mr. M.N. Roy, Learned Counsel representing the state respondents, submits that the posts of Additional Supervisory Head Clerk were created in the establishment as per Government Orders and the person who was above the applicant in the gradation list, got the benefit of promotion in the said post till the date of retirement of the applicant. The specific submission of Mr. Roy is that no one below the applicant in the gradation list got the benefit of promotion to the post of Additional Supervisory Head Clerk.

Having heard Learned Counsel representing both parties and on consideration of the materials on record, we find that the applicant was placed at serial no. 07 in the gradation list and the benefit of promotion to the post of Additional Supervisory Head Clerk was given to one Debabrata Dutta who was placed at serial no. 06 in the gradation list of the establishment as reflected from the reply submitted by the state respondents. There is nothing on record to indicate that there was vacancy in the post of Additional Supervisory Head Clerk in the establishment till the date of retirement of the applicant from service. Moreover, it appears from the materials

# ORDER SHEET

**Tuhin Kumar Karmakar**

Form No.

.....

**Vs.**

**The State of West Bengal & Ors.**

Case No. **OA 1309 OF 2014**

.....

on record that no one below the applicant in the gradation list was promoted to the post of Additional Supervisory Head Clerk till the date of retirement of the applicant. Accordingly, we do not find any merit in the claim made by the applicant for promotion to the post of Additional Supervisory Head Clerk in the establishment. As a result, the original application is **dismissed.**

Let a plain copy of this order be supplied to both parties.

**( S.K. DAS )**  
MEMBER(A)

**( R. K. BAG )**  
MEMBER (J)

Sanjib