

**ORDER SHEET**

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Present-**

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

**Case No – OA 1508 of 2013**

Prosanta Kumar. Roy 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
20 05.02.2019	<p>For the Applicant : Mr. C. Dutta, Learned Advocate.</p> <p>For the Respondent : Mr. A.L. Basu, Mr. D. Kole Learned Advocates.</p> <p>The applicant has prayed for direction upon the respondents for granting him promotion to the post of Upper Division Clerk w.e.f. April 01, 1984 and disburse the entire amount of arrears of salary with interest.</p> <p>It appears from the materials on record that the applicant got promotion to the post of Upper Division Clerk in the establishment of the respondent no. 3 on January 1, 2011 in terms of order passed by the said respondent no. 3 and communicated to the applicant on February 24, 2011. Relying on previous order of promotion granted to the applicant to the post of Upper Division Clerk w.e.f. April 1, 1984 issued by the respondent no. 3 and communicated to the applicant on November 8, 2001, Learned Counsel for the applicant contends that the applicant is entitled to get benefit of promotional post including annual increment w.e.f. April 1, 1984 till the date of his retirement on December 31, 2012. Mr. Basu, Learned Counsel representing the state respondents, submits that the applicant not only accepted the order of promotion to the post of Upper</p>	

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Division Clerk w.e.f. on January 1, 2011, but also remained silent for almost twelve years in connection with the previous order of promotion issued with retrospective effect from April 1, 1984 and as such the said previous order of promotion cannot be implemented in the present application after long lapse of almost twelve years due to specific bar under section 21 of the Administrative Tribunals Act, 1985.

Having heard Learned Counsel representing both parties and on consideration of the materials on record, we find that the applicant got promotion to the post of Upper Division Clerk in the establishment of the respondent no. 3 w.e.f. on January 1, 2011 in terms of the order issued by respondent no. 3 and communicated to the applicant on February 24, 2011. No explanation is forthcoming before the Tribunal as to why the applicant did not take steps for implementation of the previous order of promotion granted to the applicant by the respondent no. 3 w.e.f. April 1, 1984 even though the said order was communicated to the applicant on November 8, 2001. Since the applicant has remained silent for almost twelve years after issuance of the previous order of promotion by the respondent no. 3 w.e.f. April 1, 1984 and since the applicant has accepted the subsequent order of promotion to the post of Upper Division Clerk w.e.f. on January 1, 2011, we are of the view that the applicant is estopped from challenging the previous order of promotion after long lapse of almost twelve years. Moreover,

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HS	<p>the applicant cannot pray for implementation of an order which was issued by the respondent no. 3 on November 8, 2001 after long lapse of twelve years due to specific bar under section 21 of the Administrative Tribunals Act, 1985. We full agree with the submission made by Mr. Basu, Learned Counsel for the state respondents that the present application is clearly barred under section 21 of the Administrative Tribunals Act, 1985. As a result, the original application is <b>dismissed</b>.</p> <p>( S.K. DAS ) MEMBER(A)</p>	<p>( R. K. BAG ) MEMBER (J)</p>
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