

**ORDER SHEET****WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-****The Hon'ble Justice Soumitra Pal (Chairman)****& The Hon'ble Mr. P. Ramesh Kumar (Administrative Member)****Case No – OA 398 OF 2019****BIDHAN CHANDRA DAS & ORS. 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
<p style="text-align: center;">2</p> <hr/> <p>24.07.2019</p>	<p>For the Applicant : Mr. G. Dey, Mrs. R. Sengupta, Advocates</p> <p>For the Respondents: Mr. G.P. Banerjee, Advocate</p> <p style="text-align: center;">In this application, the applicants have prayed for certain reliefs, the relevant portion of which is as under:</p> <p style="text-align: center;">“i. Direct the respondent authorities and / or their men, agents and subordinates and each of them as to why they should not be directed to upgrade the petitioners from the post of junior lecturers of polytechnics to the post of lecturer of Polytechnics without any further delay.</p> <p style="text-align: center;">ii. Pass an order directing the respondent authorities and / or their men, agents and</p>	

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	<p>subordinates and each of them as to why they should not be directed to upgrade the petitioners from the post of junior lecturers of polytechnics to the post of lecturer of Polytechnics without any further delay in the light of judgement passed in F.M.A. No. 2801 of 2016.</p> <p>iii. Directing the respondent authorities and / or their men, agents and subordinates and each of them as to show cause as to why the recruitment rules notified by notification No.881-PET(Poly) / 4A-02/2011 dated 19.11.2012 as published in the Official Gazette dated 21.11.2012 should not be declared as bad in law accordingly be set aside, cancelled and / or quashed.”</p> <p>It is submitted by Mr. G. Dey, learned advocate for the applicant that since the issue raised is covered by</p>	

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	<p>the judgement passed on 31<sup>st</sup> March, 2016 in W.P. 30843 (W) of 2014 : Tarun Kumar Khanra &amp; Ors. Vs. The State of West Bengal &amp; Ors. which has been affirmed by the Division Bench of the Hon'ble High Court on 20<sup>th</sup> July, 2018 in FMA 2801 of 2016 with CAN 723 of 2018, the Director, Directorate of Technical Education and Training, Government of West Bengal Vs. Tarun Kumar Khanra &amp; Ors., the respondent no.2 may be directed to dispose of the letter demanding justice dated 6<sup>th</sup> December, 2018 ventilating the grievances of the applicants by passing a reasoned order.</p> <p>Mr. G.P. Banerjee, learned advocate appearing on behalf of the respondents submits that from the judgement delivered by the Division Bench a Special Leave Petition has been filed which is pending before the Hon'ble Supreme Court. On a query it is submitted that there is no stay on the said judgement passed by the Division Bench.</p> <p>Having heard Mr. Dey and Mr. Banerjee and considering the facts and circumstances of the case, the Original Application is disposed of by granting liberty to the applicants to file a representation ventilating their grievances, annexing copies of documents and judgements, before the Director, Directorate of Technical Education and Training, Government of West Bengal,</p>	

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SCN.	<p>Kolkata, the respondent no.2 along with a copy of this order within four weeks from the date of obtaining the certified copy of this order. If such representation is filed within time as stipulated, the said respondent no.2 shall dispose of the same by passing a reasoned order to be communicated to the applicant no.1 within twelve weeks after giving an opportunity of hearing to the applicant no.1 or any other applicant duly authorised by the applicant no.1, after verifying the records and after going through the judgements, if relied on, by the parties.</p> <p>(P. Ramesh Kumar) MEMBER (A)</p> <p>(Soumitra Pal) CHAIRMAN</p>	