

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

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

Case No – OA 664 OF 2017

Debasish Nath 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
07 04.12.2018	<p>For the Applicant : Mr. S. Bhattacharya, Learned Advocate.</p> <p>For the Respondents : Mr. S.N. Ray, Learned Advocate.</p> <p>The applicant has prayed for direction upon the respondents to grant him promotion to the post of Small Savings Development Officer with effect from the date on which sixteen other employees got promotion to the post of Small Savings Development Officer.</p> <p>The contention of the applicant is that twenty two employees working under Small Savings Directorate of Government of West Bengal were empanelled for getting promotion to the post of Savings Development Officer by publication of notice dated July 27, 2016 issued by the Director of Small Savings, Finance Department, Government of West Bengal. It appears from the said notice that all twenty two empanelled employees including the applicant were directed to exercise option in writing for getting promotion to the post of Savings Development Officer in different places of the State of West Bengal. The applicant submitted representation expressing his unwillingness to be posted at North 24-Parganas on the ground of chronic renal failure of the wife of the applicant.</p>	

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Ultimately, only sixteen employees got promotion to the post of Savings Development Officer by order dated August 5, 2016 issued by the Director of Small Savings, Finance Department, Government of West Bengal. The applicant submitted representation for reconsideration of his candidature for grant of promotion and the authority concerned did not accede to the request of the applicant on the ground that the applicant wanted to get promotion on condition of posting in his home district. Learned Counsel representing the applicant submits that the applicant has already got promotion to the post of Savings Development Officer during pendency of the present application before the Tribunal.

The issue for determination of the Tribunal is whether the applicant is entitled to get promotion with effect from the date on which sixteen co-employees got promotion to the post of Savings Development Officer.

Having heard Learned Counsel representing both parties and on consideration of the materials on record, we find that the applicant did not give his unconditional willingness to get promotion to the post of Savings Development Officer and as such the applicant cannot claim parity with sixteen of his co-employees who got promotion by giving their unconditional willingness in this regard within stipulated period of time. We are unable to accept the contention made on behalf of the applicant

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Sanjib	<p>that the representation submitted by the applicant cannot be construed as conditional willingness to get promotion. Since the applicant did not give unconditional willingness to get promotion within stipulated period of time, we are of the view that the applicant is not entitled to get the relief as prayed for.</p> <p>With the above observation, the original application is dismissed.</p> <p>(S.K. DAS) MEMBER(A)</p> <p>(R. K. BAG) MEMBER (J)</p>	
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