

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 786 OF 2018

DEBASISH MAJUMDER 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>3</p> <hr/> <p>09.01.2019</p>	<p>For the Applicant : Mr.S. Ghosh, Mr. R.K. Mandal, Advocate</p> <p>For the Respondents: Mrs. S. Mitra, Advocate</p> <p>This is an assigned matter as evident from the notice dated 21st December, 2018.</p> <p>Let affidavit of service filed today be kept on record.</p> <p>In this application the facts are - the applicant had joined the post of Sub-Assistant Engineer on 20th September, 1995. On 21st December 2010 he was promoted to the post of Assistant Engineer (M&E) on the basis of recommendation by the Public Service Commission, West Bengal. Accordingly the applicant joined as an Assistant Engineer (Mechanical), Kangsabati Mechanical Division, Khatra, Bankura, a promotional post, on 29th December, 2010. While carrying out the function of Assistant Engineer, the applicant made a representation dated 9th March, 2018 before the Secretary,</p>	

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	<p>Irrigation and Waterways Department, the respondent no.1 seeking exemption from appearing in the departmental examination as he had already attained the age of 52 years as per the amended provisions of Services (Training & Examination) Rules circulated vide Notification No. 834-PAR (Trg.) dated the 20th August, 2004. While the representation was pending for consideration before the Secretary, Irrigation and Waterways Department, the respondent no.1, the applicant had superannuated on 31st May, 2018.</p> <p>Submission is that since juniors to the applicant got the benefit of exemption from appearing in the examination and ultimately they were allowed the benefit of scale no.18, being non-functional promotion to the post of Assistant Engineer (Mechanical) in the ratio of 60:40 and as he joined in the post of Assistant Engineer on promotion after rendering six years of satisfactory service at the age of 52 plus years in 2010 and had completed six years of satisfactory service in the year 2016, he may be granted the higher scale of pay.</p> <p>Mr. S. Ghosh, learned advocate, appearing along with Mr. R.K. Mondal, learned advocate on behalf of the applicant, submits that since the representation dated 9th March, 2018 is pending before the respondent no.1, appropriate direction may be issued for consideration of</p>	

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SCN.	<p>the same after giving an opportunity of hearing.</p> <p>Mrs. S. Mitra, learned advocate for the State respondent submits that if directed, the respondent authorities will consider the matter in accordance with law.</p> <p>Having heard Mr. Ghosh and Mrs. Mitra, and considering the facts and circumstances of the case, this application is disposed of by directing the Secretary, Irrigation and Waterways Department, Government of West Bengal, the respondent no.1 to dispose of the representation dated 9th March, 2018, appearing at page 19 of the application, by passing a reasoned order to be communicated to the parties within ten weeks from the date of communication of this order after giving an opportunity of hearing and after verifying the records.</p> <p>(P. Ramesh Kumar) MEMBER (A)</p> <p>(Soumitra Pal) CHAIRMAN</p>	