

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 843 OF 2019

BISWANATH CHINA 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>4</p> <hr/> <p>14.11.2019</p>	<p>For the Applicant : Mr. G.P. Banerjee, Advocate</p> <p>For the Respondents: Mrs. S. Agarwal, Mr. S. Ghosh Advocates</p> <p>Affidavit of service filed today be kept on record. Though the matter has appeared under the heading “New Application”, on the prayer of Mr. G.P. Banerjee, learned advocate for the applicant, the matter is taken up for hearing to which Mrs. S. Agarwal, learned advocate for the respondents, in her usual fairness does not oppose.</p> <p>In this application Biswanath China, who had superannuated on 31st December, 2017 from the post of Upper Division Clerk under the Executive Engineer, Public Works Department, Bankura Division, Government of West Bengal, has prayed for a direction upon the respondents to engage him as an Office Assistant in the office of the Executive Engineer, Public Works Department, Government of West Bengal on the basis of the recommendation and approval of the higher authorities as evident from Annexure ‘B’ to the application.</p>	

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SCN.	<p>Mr. Banerjee submits that as the Executive Engineer, Public Works Department, Bankura Division, Government of West Bengal, the respondent no.5 has recommended the name of the applicant and as the Joint Secretary (Personnel), Public Works Department, Government of West Bengal, Kolkata, the respondent no.3 by intimation dated 29th December, 2018 has also requested the same, the Superintending Engineer, Western Circle-II, Public Works Department, Government of West Bengal, Hooghly, the respondent no.4 may be directed to issue appropriate order.</p> <p>Mrs. Agarwal submits on instruction that as the applicant had superannuated and the recommendation for appointing the applicant contractually does not come under the jurisdiction of this Tribunal, no order may be passed.</p> <p>Since we find that the applicant has superannuated on 31st December, 2017, no order is passed on this application. However, this order shall not prevent the respondent authorities to appoint the applicant in accordance with law, if so advised.</p>	
	(P. Ramesh Kumar) MEMBER (A)	(Soumitra Pal) CHAIRMAN