

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

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

Case No – OA 885 OF 2015

Reena Targain v/s 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
11 26.08.2019	<p>For the Applicant : Mr. M.N Roy, Learned Advocate.</p> <p>For the Respondent : None.</p> <p>For the Added Respondents : None.</p> <p>For the Pvt. Respondents No. 4 & 5 : None.</p> <p>The applicant has prayed for direction upon the respondents for modification or rectification of the seniority of the applicant in terms of gradation list dated June 12, 2014 and in terms of Memorandum dated July 20, 2015 and July 22, 2015.</p> <p>The applicant joined in the post of Assistant Labour Commissioner on November 2, 1987 on the basis of Notification No. 5153-GE dated October 20, 1987 issued in the name of the Governor of West Bengal. The contention of the applicant is that the applicant was placed in serial no. 28, while the private respondents no. 4 and 5 were placed in serial no. 29 and 30 and one Balaram Ghorai was placed in serial no. 36 of the seniority list of officers belonging to West Bengal Labour Service and West Bengal Higher Labour Service published on June 28, 2005. The further contention of the applicant is that the applicant was placed in serial no. 6, while the private respondents no. 4 and 5 were placed in serial no. 7 and 8 and</p>	

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one Balaram Ghorai was placed in serial no. 14 of the gradation list of West Bengal Labour Service published on June 12, 2004. It is contended on behalf of the applicant that Balaram Ghorai moved this Tribunal by filing OA 102 of 2011 praying for fixation of his seniority vis-a-vis the present private respondents no. 4 and 5 and others for the purpose of further promotion. On July 14, 2014, this Tribunal disposed of OA 102 of 2011 by giving appropriate direction with regard to fixation of seniority of Balaram Ghorai vis-a-vis the present private respondents no. 4, 5 and others. However, the applicant was not impleaded as respondent in the said OA 102 of 2011 and thereby the present applicant is in the dark about her position in the seniority list of West Bengal Labour Service vis-a-vis the private respondents no. 4, 5 and Balaram Ghorai. The Deputy Secretary to the Government of West Bengal, Labour Department, G.E. Branch issued order dated July 20, 2015 by fixing seniority of five officers including Balaram Ghorai and the present private respondents no. 4 and 5 in compliance with the direction given by the Tribunal in OA 102 of 2011. The applicant is anxious to know her seniority vis-a-vis the seniority of the respondents no. 4 and 5 and Balaram Ghorai as her name is conspicuously absent from order dated July 20, 2015.

With the above factual matrix, Mr. M.N. Roy, Learned Counsel for the applicant, contends that the applicant should be placed above Balaram Ghorai and the present private

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respondents no. 4 and 5 in the seniority list of West Bengal Labour Service. He further submits that the applicant was not impleaded as respondent in OA 102 of 2011 and thereby prejudice is caused to the applicant for fixation of inter-se seniority of the private respondents and added respondent by excluding the applicant from the said seniority list.

None appears on behalf of the state respondents. Similarly, none appears on behalf of the private respondents, though Balaram Ghorai was impleaded as private respondent, who gave reply in the present case.

Since the present applicant Reena Targain was not impleaded as respondent in OA 102 of 2011 and since the inter-se seniority of the applicant vis-a-vis Balaram Ghorai and the present private respondent Ajoy Bhattacharjee and Md. Amanul Haque was not decided in the order dated July 20, 2015 issued by the Deputy Secretary to the Government of West Bengal, Labour Department in compliance with the direction given by the Tribunal in OA 102 of 2011, we are of the view that the applicant may give her representation before the respondent no. 1, Principal Secretary to the Government of West Bengal, Department of Labour for the purpose of fixation of her seniority vis-a-vis the private respondents no. 4 and 5 – Ajoy Bhattacharjee and Md. Amanul Haque and added respondent Balaram Ghorai within a period of 4 (four) weeks. If such

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representation is submitted by the applicant within the stipulated period of time, the respondent no. 1, Principal Secretary to the Government of West Bengal, Department of Labour will consider the said representation of the applicant in accordance with law within a period of 8 (eight) weeks from the date of receiving of the said representation and communicate the result of the same to the applicant within a period of 4 (four) weeks thereafter.

With the above direction, the original application is **disposed of.**

Let a plain copy of this order be supplied to the applicant.

(S.K. DAS)
MEMBER(A)

(R. K. BAG)
MEMBER (J)

Sanjib