

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Mrs. Urmita Datta (Sen), Officiating Chairperson and Member (J).

**Case No. MA – 61 of 2022 (OA – 223 of 2021)**

**Buddhadev Naskar - VERSUS - THE STATE OF WEST BENGAL & ORS.**

Serial No. and Date of order	For the Applicant	: Mr. A. Hati, Advocate
<u>1</u> 13.09.2022	For the State Respondents	: Mr. S. Ghosh, Advocate
	For Pvt. Respondent No. 4	: Mr. A. Maity, Advocate

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 536 – WBAT / 2J-15/2016 dated 26<sup>th</sup> August, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

The instant application has been filed praying for six prayers. However, during the course of the hearing, the counsel for the applicant has submitted that he just wants to press prayer (d) only, which is as follows:

**“d. And an interim Order to be issued by directing the Respondent Authorities not to fill up the another post of Grade-I in Agronomy Discipline (Research) by any General Candidate which will be vacant very soon after promotion of present incumbent from its feder Post i.e., Chief Agronomist and Ex officio Joint Director of Agriculture in West Bengal Higher Agricultural Service Research, Grade-I to Joint Director of Agriculture (Research) West Bengal and/or keep one post vacant and/or no Candidate be accommodated to the Post of Joint Director of Agriculture without leave of the Court till Disposal of the Original Application.”**

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The counsel for both the State Respondent and Private Respondent has raised preliminary objection to the point of limitation as well as locus standi. It has been further submitted by the Private Respondent that the post of Grade-II was filled up in the year 2007 and further the applicant was promoted to the post of Grade-II in 2016 without any objection and enjoying the said post till date and the instant O.A. has been filed in the year 2021. Therefore, the prayer of the applicant for granting notional benefit from 2007 is hopelessly barred by limitation. However, the counsel for the applicant has submitted that he does not want to press said prayer praying for notional benefit from 2007 onwards with regard to Grade-II promotion. Further it has been submitted that in the Grade-I Agronomy Discipline in Research Wing, there are two Grade-II posts, one earmarked for General candidate and another for S.C. candidate. As per him, in the earlier occasion also the 50 point roster was not followed. However, both the counsels for the State Respondent and Private Respondent had vehemently objected to the said contention as at present even if it would be accepted that the applicant is belonging to S.C. category and to be considered for S.C. quota, but the said post earmarked for S.C. is still filled up by the present incumbent and unless and until the post will be filled up by violating any provision of 50 point roster, the applicant has no locus standi.

I have heard both the parties and perused the records. It is noted that the applicant has basically prayed for an interim order with a prayer to direct the respondent authority not to fill up another post of Grade-I in Agronomy Discipline (Research) by General Candidate, which will be vacant very soon that means the post is still occupied by the present incumbent and unless and until the post would be vacant or any violation of Recruitment Rules would be found, there is no question of granting interim order on future happening. Therefore, the

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instant application is premature one as at present the cause of action yet to be occurred. Therefore, in my considered opinion, at present the applicant has no locus standi to ask for any interim protection or any other order in this regard. Accordingly, both the O.A. and M.A. are dismissed being premature.

URMITA DATTA (SEN)  
Officiating Chairperson and Member (J)

A.K.P.