

**ORDER SHEET**

**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. OA – 1003 of 2019**

**Ruby Deb - VERSUS - THE STATE OF WEST BENGAL & ORS.**

Serial No. For the Applicant : Mr. M.N. Roy,  
and Mr. G. Halder,  
Date of order Advocates  
10  
19.09.2022

For the State : Mr. S.K. Mondal,  
Respondents 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 basically praying for a direction to the authority to grant promotion to the post of 'Assistant Labour Commissioner' with effect from 11.09.2019. As per the respondents, they had already forwarded the A.C.R. and other related documents to the Public Service Commission vide Memo. dated 12.04.2019. The State Respondents had sent the list of eligible members of W.B.S.L.S. to the Public Service Commission for selection to the post of 'Assistant Labour Commissioner' vide their Memo. dated 02.09.2019 and had communicated the names of the selected candidates, wherein the name of the applicant could not be found. As per the respondent, since the applicant did not secure the bench mark, therefore, he was not being recommended for promotion. However, he has also submitted that the procedure followed by the Public Service Commission for selection of the applicant is not known to the Government. Moreover, the respondent further denied that A.C.R. is required to be communicated. However, Public Service Commission has to follow their own procedure for selection of the candidate.

In view of the above, it is noted that the reply of the Public Service

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Commission is very much required though the applicant has already been served the copy to the Public Service Commission. **Therefore, Registry is directed to send the notice along with the copy of this order to the Public Service Commission.** The Public Service Commission is directed to be represented before the court along with the relevant file of D.P.C. by the next date.

Let the matter be listed on **27.09.2022.**

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

A.K.P.