

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson & Member (A)

Case No. OA – 22 of 2023

Asha Rajak - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	: Mr. P. Majumdar, Advocates
<u>2</u> 06.03.2023	For the Respondents	: Mr. M.N. Roy, Advocate

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 638 – WBAT / 2J-15/2016 dated 23rd November, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

On consent of the learned counsels, the case is taken up for consideration sitting singly.

In this application, the prayer is for setting aside the final gradation list and direct the respondent to promote the applicant in the post of Lower Division Clerk. Submission of Mr. P. Majumdar is that in the final gradation list published on 14th December, 2022, the applicant; Asha Rajak has been placed at serial No. 8 below Sarbari Dolui who also belonging to the same category has been placed at serial No. 4. In this regard, the applicant had furnished a representation before the respondent objecting to the seniority given to Sarbari Dolui.

Mr. Ray, appearing on behalf of the respondent, submits that from the final gradation list, it is very evident that Sarbari Dalui at serial No. 4 had joined the department on 23.04.2007, whereas the applicant, Asha Rajak had joined later on 09.01.2013. This fact is also accepted by the learned counsel for the applicant. The objection to serial No. 4 Sarbari Dolui obtaining her Madhyamik in the year 2013 without permission is the ground of the applicant.

In my view, firstly, the final gradation list was published after the draft one was circulated among the employees, entry of Sarbari Dolui, at serial No. 4 for having

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joined the department on 23.04.2007, much earlier than the applicant has not been contested or disagreed by the applicant. From this it is evident that the final gradation list, the entry of serial No. 4 has not been opposed. The objection is only to the extent that serial No. 4 had passed the Madhyamik Examination in the year 2013 without obtaining permission from the authorities. The applicant has not added Sarbari Dolui as a party in this application.

Considering the above facts, I do not find any merit in this application, and therefore, the application is not admitted and thus dismissed.

SAYEED AHMED BABA
OFFICIATING CHAIRPERSON & MEMBER(A)

A.K.P