

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 – 334 of 2020

Arabinda Bandhopadhyay & Others - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No.	For the Applicants	: Mr. B. Bhushan,
and		Advocate
Date of order		
<u>8</u>	For the Respondents	: Mr. S.N. Ray,
22.12.2023		Advocate
	For the Public Service Commission, W.B.	: Mr. S. Bhattacharjee,
		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.

Submission of Mr. S. Bhattacharjee, learned counsel for the Public Service Commission is that the prayer in this application is limited to promotion of Assistant CDPOs to the post of CDPO and this is a matter pertaining to the concerned department only. Since the Public Service Commission has no role in this matter, therefore, the name of Public Service Commission be expunged from the array of the respondents. Such submissions of Mr. Bhattacharjee have also been endorsed by the learned counsels of both the sides.

In view of the above submission, let the name of respondent no. 5, Secretary, Public Service Commission, West Bengal be expunged from the array of respondents.

Introducing the prayers in this application, Mr. B. Bhushan, learned counsel for the applicants submits that the primary prayer mentioned in the supplementary affidavit, prayer (e) is a prayer for direction upon the respondent nos. 1 to 3 to permanently re-designate the applicants as CDPO.

Appearing on behalf of the State Respondents, Mr. S.N. Ray, learned counsel assures to file reply on behalf of the State Respondents by the next date. Such directions were given by this Tribunal as well as Hon'ble High Court in this matter in the past.

Let the reply be filed positively by the next date and copy of the reply be served upon the learned counsel for the applicants. Rejoinder, if so wished, be filed in the

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mean time.

As prayed for, liberty is also given to Mr. Bhushan to file a supplementary enclosing copies of the representations filed earlier by the applicants, individually or collectively, before the concerned respondent authority having ventilated similar prayers.

Let the matter appear under the heading 'Further Hearing' on 05.02.2024 at **10 O'clock.**

SAYEED AHMED BABA
OFFICIATING CHAIRPERSON & MEMBER(A)

A.K.P