

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Bikash Bhavan, Salt Lake, Kolkata – 700 091.**

**Present-**

**The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson and Administrative Member**

**Case No. - OA 452 OF 2022**

**SHYAMAL BISWAS - VERSUS - THE STATE OF WEST BENGAL & ORS.**

Serial No. and Date of order	For the Applicant	:	Ms. Supriya Dutta, Learned Advocate
	For the State Respondents	:	Mrs. Sunita Agarwal, Learned Advocate

11  
19.06.2025

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No.638-WBAT/2J-15/2016 (Pt.-II) dated 23<sup>rd</sup> 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 for both the parties and in terms of a direction passed by the Hon'ble High Court in WPA No.3106 of 2025, the case is taken up as expeditiously as possible sitting singly.

The prayer in this application is for setting aside the impugned order No.1931 dated 25.05.2022, passed by the Secretary, Information and Cultural Affairs Department in terms of a direction of the Tribunal dated 09.03.2022 in O.A. 360 of 2018.

The applicant in this application superannuated from service in the month of February, 2012 and his service was further extended upto February, 2013 from the post of Additional Director of Information under the Information & Cultural Affairs Department. He prayed for grant of supernumerary promotion to the post of Director of Information in the Pay Scale of Rs.14,300-400-18,300/ with retrospective effect from 19.02.2002. In terms of an order of the Tribunal dated 09.03.2022, the then Secretary, Information and Cultural Affairs Department, after hearing the applicant and considering the matter afresh, rejected the same by way of passing a reasoned order No.1931 dated 25.05.2022.

The post of Press Secretary to the Chief Minister was created by the Home (Constitution & Election) Department by its memo No.56 dated 19.02.2022, keeping in abeyance one post of Joint Director of Information. One Sarit Kumar Bandyopadhyay was appointed to the said post on deputation and ad hoc basis but

**ORDER SHEET**

Form No.

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not on promotion. The said post was filled up by following the Rules of the concept of lien and the provision of reversion of incumbent to the parent post. No upgradation of official status and pay scale of any Joint Director of Information has been made. Since it is not a promotion as claimed by the applicant, 50 point roster is not applicable in this case. The Tribunal finds that this post was created as a post on deputation from the rank of Joint Director. It cannot be said that this post is a promotional post from the post of Joint Director. Therefore, the question of his promotion and posting in the post of Press Secretary to the Chief Minister or to the rank of Director of Information with effect from 19.02.2002, does not arise. Further, the question does not arise for such promotion because the applicant had already superannuated in the year 2012 and retired from his extended period of service in the year 2013 holding the post of Additional Director. From the above, it is clear that the reasoned order was passed in terms of the extant Rules. The Tribunal is satisfied with the decision taken by the respondent authority. The respondent authority was correct in taking a decision to reject the prayer of the applicant. Thus, finding no merit in this application, it is disposed of without passing any orders.

SCN.

(SAYEED AHMED BABA)  
OFFICIATING CHAIRPERSON  
and MEMBER (A)