

ORDER SHEET

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 - 464 of 2022

Ajay Prodhan - Vs - The State of West Bengal & Ors.

Serial No. and
Date of order

10
04.12.2024

For the Applicant : Mrs. M. Dhar Chowdhury,
Learned Advocate.

For the State : Mr. G.P. Banerjee,
Respondents Learned Advocate.

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 23rd November, 2022 issued in exercise of the powers conferred under Section 5 (6) of the Administrative Tribunals Act, 1985.

Mrs. Chowdhury files a supplementary application enclosing documents which shows that the applicant has now applied before the Superintendent of Police, Darjeeling for the post of Group-D (Plumber) dated 24.02.2024. However, Mrs. Chowdhury is still holding on to the prayer in the original application in which the applicant had prayed for the post of Police Constable under West Bengal Police. Submission of Mrs. Chowdhury is that the applicant was asked to appear before the Reserve Office, Darjeeling on 19.08.2021 for measurement of his Physical Efficiency Test for the post of Constable. A long time has passed, but the respondent authorities neither offered a post of Constable nor given any intimation to the applicant regarding result of such application. Mr. Banerjee expresses his displeasure for filing the supplementary by Mrs. Chowdhury and submits that the applicant cannot pray for the post of Group-D through this

supplementary while the original prayer for the post of Constable is still alive. Further, before the applicant applied for the post of Constable, he had applied for the post of LDC also. Frequent change of applications for different posts will invalidate his application. Having heard the submissions of the learned counsels, the Tribunal observes the following : (i) Against the post of LDC applied by the applicant, the Department has already given its opinion by passing a Reasoned Order dated 21.01.2021 in which it was informed that the applicant is wait-listed no. 28 whereas only one vacancy for such post exists ; (ii) By a memo. no 1379 dated 23.07.2021, the Superintendent of 09 25.06.2024 ORDER SHEET Sri Ajoy Prodhan Form No. Vs. Case No. OA-464 of 2022 The State of West Bengal & Ors. 2 CSM/SS Police had stated that since the proposal for the post of LDC is pending due to scarcity of vacancy, willingness was required from the applicant for the post of Constable. Against such notice dated 15.08.2021, the applicant had submitted his willingness and also appeared for the Physical Measurement and Physical Efficiency Test on 19.08.2021 ; (iii) From the supplementary application filed today, a document dated 21.02.2024 makes it clear that the applicant was advised to appear before the Police Lines on 22.02.2024. Mrs. Chowdhury submits that the applicant had attended and as per advice of the District Police Authorities, he had submitted a fresh application praying for an appointment in the post of Group-D as a Plumber. A copy dated 24.02.2024 of such willingness for the post is enclosed

with this application. Submission of Mrs. Chowdhury is that though the applicant has now prayed for a post of Group-D (Plumber), but his original prayer for the post of Constable still remains alive.

From the above records and submissions, it is clear to the Tribunal that the respondent authorities are processing his applications for the post of both Constable and Group-D (Plumber). Therefore, the Tribunal reserves passing any direction to the respondents at this stage. It is the Department of Home & Hill Affairs to decide whether the applicant is entitled for any employment under the compassionate ground. Let Principal Secretary, Home & Hill Affairs Deptt. take the final decision in this matter within a period of four months from the date of communication of this order. Let it also be on records that the applicant cannot choose any particular type of employment. Such offer of employment primarily depends on the applicant's suitability, fulfilment of eligibility criterias under the Scheme and the vacancies available. These are to be examined by the Deptt. of Home & Hill Affairs who will take the final decision and convey the same to the applicant within two weeks thereafter.

The application is disposed of.

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

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THE STATE OF WEST BENGAL & OTHERS.

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