

**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 – 539 of 2024**

**Prasit Kumar Mandal - VERSUS - THE STATE OF WEST BENGAL & ORS.**

Serial No. For the Applicant : Mr. B.P. Mondal,  
and Advocate

Date of order  
1  
19.11.2024 For the Respondents : Mr. G.P. Banerjee,  
Mr. G. Halder,  
Advocates

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

Affidavit of service filed be kept in record.

The applicant has prayed for a direction to the respondent authorities to grant him promotion in the post of Assistant Engineer (Civil) with retrospective effect from July, 1991 in terms of Notification dated 10<sup>th</sup> November, 2020 published by the Department of Public Health Engineering. From the submissions and records, it is evident that the applicant had superannuated in April, 2016. In Memo 1864 dated 10.11.2020, the Department had granted notional promotion to some employees the post of Assistant Engineer (Civil) in terms of a direction of this Tribunal in OA - 389 of 2018 and OA – 390 of 2018. Such order giving notional promotion also had the approval of the Finance Department. Having learnt about such notional promotion given to others, this applicant furnished a prayer before the Secretary, PHE Department on 19.02.2021 praying for similar notional promotion as given to his juniors.

Mr. Banerjee, learned counsel appearing on behalf of the respondent authorities opposes admission of this application primary on the ground that it is barred by limitation. Mr. Banerjee also insist that this application is not maintainable for the applicant is a fence sitter and wants to derive the benefit arising for a direction of this Tribunal in OA – 389 of 2018 and 390 of 2018.

Both the learned counsels wish to submit their points relying on relevant judgement of Hon'ble Supreme Court. Mr. B.P. Mondal has been advised to present copies of the petitions filed by the petitioners in OA – 389 of 2018 and OA – 390 of 2018 along with order passed by the Tribunal.

Let the matter appear under the heading 'Admission Hearing' on 11.02.2025.

**SAYEED AHMED BABA  
OFFICIATING CHAIRPERSON & MEMBER(A)**

A.K.P/H.S.