

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

**The Hon'ble Mrs. Urmita Datta (Sen), Officiating Chairperson & Member (J)**

**Case No. –OA 627 of 2022**

Sri Satyajit Chowdhury - **VERSUS** - The State of West Bengal & Ors.

Serial No. and  
Date of order

For the Applicant : Mr. Ganga Dhar Das,  
Learned Advocate.

02  
27.09.2022

For the State Respondents : Mr. S. Ghosh,  
Learned Advocate.

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 536-WBAT/2J-15/2016 dated 26<sup>th</sup> August, 2022 issued in exercise of the powers conferred under Section 5 (6) of the Administrative Tribunals Act, 1985.

In the instant application, the applicant has challenged the Notification dated 29.06.2022 (Annexure-A) on the ground that the Notification is contradictory on the face of it as in paragraph 2 of the said notification, it has been stipulated that the newly created post of 'Publicity Officer (Information Technology)' would be filled up by direct the recruitment, on the other hand, it has been stipulated that the said post would be filled up from the eligible existing in-service candidates. It has been further stipulated that the posts would be filled up by promotion from the down-line officer. Therefore, in one hand, the said post of 'Publicity Officer' has been created to be filled up by direct recruitment on the contrary and next line, it has been stipulated that the post would be filled up by promotion which is self-contradictory. However, the counsel for the respondents has submitted that since the applicant has challenged the notification of creation post. A. G. has to be made a party. Further it has been submitted that the applicant has made a representation before the authority of 19.08.2022, 28.07.2022, which is still pending before the authority.

The counsel for the respondents has further submitted that

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the applicant has no locus standi.

During the course of hearing, the applicant has submitted that it would suffice the purpose, if the authority be directed to consider his representation treating this OA as part of it within stipulated period of time and till then the Disciplinary proceedings be stayed.

In view of the above, the Principal Secretary, the Department of Agriculture is directed to consider the representation dated 28.07.2022 and 19.08.2022 treating this OA as part of it and communicate his decision by reasoned and speaking order within a period of eight weeks from the date of receipt of the order. In the interim, the respondents are directed not to proceed with the Notification dated 28.07.2022 and 19.08.2022.

The counsel for the respondents has further submitted one order dated 08.08.2022 passed in OA 489 of 2022 and has submitted on the same issue in earlier occasion, the respondents were directed to dispose of the representation.

Heard the parties and perused the record. It is noted that in the earlier OA of 498 of 2022, the prayer is as follows :

“(a) An order do issue directing the concerned respondent authorities to forthwith exclude the post of “Research Officer” in WBJAS cadre under the Directorate of Agriculture, Government of West Bengal from the feeder post for promotion to the post of “Publicity Officer (Information Technology)” Head Quarter, Agriculture Directorate with immediate effect and to command them to act strictly

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in accordance with law;

(b) An order do issue directing the concerned respondent authorities to forthwith implement the recommendation of the 5<sup>th</sup> Pay Commission by extending the benefit of 10% of the post of WBAS earmarked for promotion amongst the WBJAS Officer of appropriate seniority and merit and further to consider the case of the applicants herein for promotion to the cadre of West Bengal Agricultural Service, West Bengal within a stipulated time period;

(c) A further Order do issue directing the concerned respondent authorities to consider and dispose of the representation of the applicant No. 1 dated 20.08.2018 and 26.07.2022 in accordance with law and rules prevailing in this regard by passing a reasoned and speaking order, after giving an opportunity of personal hearing and to communicate the decision thereof within a stipulated time period;

(d) Leave may be granted to file and move the instant Original Application jointly as the applicants are similarly circumstanced;"

Therefore, in the instant case, the applicant being the Agriculture Extension Officer has challenged the Notification. Therefore, both the cases in the above OA, the applicants pray for exclusion of 'Research Officer' as feeder post where as in the

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interim, the said selection procedure of stay till the disposal of the representation are not similar and not applicable in the instant case.

Accordingly, the OA is disposed of with no order as to costs.

Mrs. URMITA DATTA (SEN)  
Officiating Chairperson & Member (J)

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