

ORDERSHEET
WESTBENGALADMINISTRATIVETRIBUNAL

BikashBhavan,SaltLake,Kolkata-700091.

Present-

THE HON'BLE SAYEED AHMED BABA, OFFICIATING CHAIRPERSON AND ADMINISTRATIVE MEMBER

CaseNo.- **OA817of 2019**

RatnaGhosh(Dhar)-Vs-TheStateofWestBengal&Ors.

Serial No. and
Date of order

26
05.11.2024

For the Applicant	:	Mr. M.N.Roy, Mr. G. Halder, Learned Advocates.
For the State Respondents		Mr. G.P. Banerjee, Mrs. Sunita Agarwal,
For the Pr. A.G.W.B.		None.

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.

The applicant has prayed for a direction to the respondent authorities to regularise her service as a Lecturer from 01.01.2001 as has been done in some other cases. It appears from the submissions and the records that the applicant was initially appointed on 23.10.1997 as a Lecturer in Architecture, Government Polytechnic on purely temporary basis for six months. Such tenure was extended from time to time and later by an order dated 11.01.2008, she was absorbed as a regular Lecturer. Contention of Mr.Roy, learned counsel for the applicant is that, though the applicant was appointed on 23.10.1997, but was absorbed only on 11.01.2008. In contrast, a similar Lecturer first engaged on adhoc basis on 31.12.2000 was regularised on 28.01.2002, much earlier to her own absorption. Mr. Roy also draws attention to a Notification dated 15.03.2001, by which the government allowed such absorption into regular post for Lecturers in government polytechnics w.e.f. 01.01.2001. Submission is that, despite a junior Lecturer absorbed earlier, the applicant was not given such benefit from the date which was due to her i.e. from 01.01.2001.

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THESTATEOFWESTBENGAL&OTHERS.

Appearing on behalf of the respondent authority, Mr. Banerjee submits that this application is barred by limitation for the reason that the applicant superannuated on 30.06.2017 and by filing this application in the year 2019, she prays for a benefit w.e.f. 01.01.2001. Further, Mr. Banerjee submits that the applicant did not possess the requisite qualification of a Degree which was an important requirement for consideration to qualify for absorption into a regular post. The instance cited by the applicant's side that one junior Lecturer Lecturer has been absorbed earlier is not a correct argument because he was a Degree holder and had also fulfilled other required criterias. As a special case, the government had relaxed such requirement of a degree and by such consideration the applicant was made eligible to be absorbed into the regular post. Therefore, there is no truth and merit in agitating that juniors were absorbed much earlier than the applicant.

Mr. Banerjee has drawn attention to Notification dated 07.03.1992 in which the essential qualification for Lecturer in Engineering subject required 1st Class Bachelors Degree in the appropriate branch of engineering from a recognised university/institute. Submission is that since she did not possess this essential qualification, however, by Notification 35-Tet dated 11.01.2008, such requirement was relaxed which enabled the applicant to be eligible to be absorbed in a regular post of Lecturer w.e.f. 11.01.2008.

Mr. Roy has submitted that though in the past, the applicant had submitted representation before the authorities for redressal of her grievance but as a special case prays for one such liberty to file her representation before the respondent no. 2(i), the Secretary now re-designated as Additional Chief Secretary of the Department. Mr. Banerjee has not objected.

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In view of Mr. Roy's prayer, the Tribunal feels it is appropriate if such a liberty is given to the applicant to file a representation before the respondent no. 1 ventilating her grievance regarding delayed absorption in the post of Lecturer thus depriving her retiral benefits. Let such representation be filed before the respondent no. 2(i) within thirty days from today. The respondent no. 2(i), the Additional Chief Secretary is requested to consider her representation if filed within the time before him as per rules and take a final decision in the light of the argument presented by her counsel before this Tribunal. Let such decision be taken within three months and communicate the same to the applicant within two weeks thereof.

Accordingly, this application is **disposed of**.

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(SAYEEDAHMEDBABA)
OFFICIATINGCHAIRPERSONANDMEMBER(A)

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