

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 – 864 of 2016

Amit Kumar Mukhopadhyay - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. For the Applicant : Mr. Bharat Bhusan,
and Learned Advocate.

Date of order
12
02.05.2025 For the Respondents : Mr. S.N. Ray,
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 dated 23rd November, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

From the submissions of Mr. Bhusan, learned counsel for the applicant and records presented by him, it appears to the Tribunal that the only core prayer in this litigation is for a direction to the respondent authorities to permanently redesignate them as CDPOs. Thus, prayer is expressed in the supplementary application filed by the applicants.

Relying on the submission in the reply, Mr. Ray, learned counsel for the State argues that in this State no post exists as Additional CDPO. The petitioners were appointed as Assistant Child Development Project Officer but not as Additional CDPOs. Therefore, it will be incorrect to refer to the Government of India's Notification dated 22nd August, 2023 and agitate before this Tribunal as Additional CDPOs. It has also been pointed out by Mr. Ray that -

- (i) Similar application was moved before the Hon'ble High Court challenging the transfer order. The Hon'ble Court disposed of the matter by passing a direction relating only to the pay of the petitioners but left the other issue i.e. repatriation to the post of ACDPOs from the CDPOs as a matter to be decided by this Tribunal.
- (ii) As regards compliance to the Government of India's Notification upon the State Government, Mr. Ray rely on para 11 of the reply and has submitted that the salary of Assistant CDPOs are exclusively as per APIP (2018-19) in the ratio of 25-75. Such salary of the Assistant CDPOs are being borne by the State Government in terms of the judgement of Hon'ble Apex Court in SLP 16547 of

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From the submissions and records, it has already become clear that prior to the transfer order 1049 dated 22.07.2020, all the 83 Assistant CDPOs were holding the charge of CDPOs in the ICDS Blocks. By implementation of this transfer order, now all those (73) have been transferred to different Blocks as Assistant CDPOs to work under their respective CDPOs. The Tribunal has been informed that in this State, a total of 415 ICDS Blocks exist; with total of 255 CDPOs and 75 Assistant CDPOs in position. These 255 CPDOs are in-charge of all the 415 ICDS Blocks assisted by the 75 Assistant CDPOs. From the above perspective, it is understood that the main grievance of these applicants, being Assistant CDPOs is that prior to the transfer order dated 22.07.2020, they had been functioning as CDPOs-in-charge of several ICDS Blocks. But by dint of the transfer order, they have been reverted to the post of Assistant CDPOs and made to work under the CDPOs. According to Mr. Bhusan, this is in complete violation of natural justice for the reason that they have been holding the post of CDPO-in-charge for at least 20 years and after such long tenure in-charge of ICDS Blocks, they have been lowered down to their original post of Assistant CDPOs and made to work under the CDPOs. It has also been submitted that while functioning as CDPOs-in-charge for these many years, the applicants had also drawn the full salary as entitled to a CDPO. Although the applicants are drawing this salary of CDPOs but after being relegated to the lower post, their dignity has been completely damaged.

A copy of Memo 159 dated 07.07.1999 has been shown to me, by which the Department of Social Welfare had transferred the Assistant CDPOs to act as Child Development Project Officers in the Blocks.

Mr. Ray without disagreeing to the above submissions, however, points out that the post of Assistant CDPO is not a feeder post of CDPO. Due to certain administrative exigencies, they were required to take charge of ICDS Blocks. Mr. Ray further enlighten that the Recruitment Rules of both the Assistant CDPOs and CDPOs are different. Only the post of Additional CDPO can be equated with the post of CDPO, however, in this State no such post of Additional CDPO exists.

After hearing the submissions of the learned counsels and after examination of the records in this application, the Tribunal finds that the core issue to determine is :—

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Whether the transfer order of 22nd July, 2020 reverting the applicants to their original post of Assistant CDPO was in violation of any service rules.

Learned counsels representing both the sides have agreed that this is the only issue being agitated by the applicants before this Tribunal.

While responding to the above issues, a point arises whether the respondent authority had recruited any CDPO during the past 20 years since 1999 when the ACDPOs were holding charge of CDPO. To this question, the Tribunal has learnt that the respondent authorities had recruited more than 100 to fill up post of CDPOs.

The learned counsels have prayed for liberty to file copies of relevant judgements of Hon'ble Supreme Court before this Tribunal on the next date. Let such judgements be filed on the next date and copies be served to the other side.

Let the matter appear under the heading "For Orders" on 10.07.2025.

SAYEED AHMED BABA
OFFICIATING CHAIRPERSON & MEMBER(A)

A.K.P.