

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 – 97 of 2015

Bappaditya Kar & Others - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. For the Applicants : Mr. S. Sanyal,
and Advocate

Date of order
42
15.03.2023 For the Respondents : None

For the Pvt. Respondents : Mr. G.P. Banerjee,
Mr. M.N. Roy,
Mr. S. Ghosh,
Mrs. S. Agarwal,
Mr. S.K. Mondal,
Ms. A.P. Banerjee,
Ms. T. Bhattacharjee,
Ms. P. Sasmal,
Mr. S. Bhattacharjee,
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 23rd November, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

On consent of the learned counsels, the case is taken up for consideration sitting singly.

The prayer in this application is for giving retrospective effect to the promotions of the applicants to the post of Joint Block Development Officers with effect from 31.12.2007. In this application, a total of 23 applicants have jointly filed this application. During hearing of this application, a total of 55 private respondents have also been added by the order of the Tribunal and some more added as a result of their prayer in different miscellaneous applications. Panchayat & Rural Development Department is the Respondent Department. The private respondents are parties in this application due to their appointment as “direct appointees” to the post of Joint B.D.O. The applicants in this application are agitating for their promotion from the ranks as Promotee to the post of Joint B.D.O. with retrospective effect since 31.12.2007.

From the submission of the learned counsels, it also transpires that in the mean time many of these applicants, who are promotees and many of private respondents as

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direct recruitee have already been promoted to the post of Joint B.D.O. and entered into W.B.C.S. (Executive) Cadre respectively.

Before the matter is to be heard, the following are relevant documents to be seen and observed:-

- (1) Recruitment Rules
- (2) Promotion Rules
- (3) Rule regarding gradation list
- (4) That since this application was filed in the year 2015, how many applicants have in the normal course been promoted to the post of Joint B.D.O.
- (5) How many of the private respondents as direct recruitees have already joined the W.B.C.S. (Executive) Cadre.
- (6) How many of the promotee applicants are yet to be promoted as Joint B.D.O.
- (7) How many direct recruitees are yet to be promoted in the W.B.C.S. (Executive) Cadre.

The submission of the learned counsels for the private parties is that this application is not maintainable due to limitation – since the prayer for promotion is with effect from 31.01.2007 and the application was filed later in 2015 – thus the question of limitation be kept open.

Since many of the points listed above requires response from the Panchayat & Rural Department, Respondent No. 1 i.e. Secretary is directed to furnish the above information through their legal counsel within the period of three months.

Let the matter appear on 23.08.2023 under the heading ‘Hearing’.

SAYEED AHMED BABA
OFFICIATING CHAIRPERSON & MEMBER(A)

A.K.P