

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

Case No. – OA 100 OF 2018

DEBASISH BANDYOPADHYAY - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and
Date of order

18
08.06.2022

For the Applicant : Mr. Goutam Pathak Banerjee
Mr. Masud Karim
Advocates

For the State respondents : Mr. Soumendra Narayan Ray
Advocate

The matter is taken up by the single Bench pursuant to the order contained in the Notification No. 118-WBAT/1E-08/2003 (Pt.-II) dated 11th February, 2022 issued in exercise of the powers conferred under section 6 (5) of the Administrative Tribunals Act, 1985.

In this application, Debasish Badyopadhyay, the applicant, has prayed for a direction upon the respondents to grant promotion to the applicant to the post of Evaluation Officer under the West Bengal Agricultural Service (Evaluation) with effect from 1st March, 2015 considering his eligibility to the feeder post as well as to the proposed promotional post on the basis of the Rules 1992 and 2012 Rules and for a direction upon the respondents not to act or proceed with the orders passed in OA-1532 of 2013 which is pending before the Tribunal as according to him the scope of the said original application is different.

Mr.G.P.Banerjee, learned advocate appearing on behalf of the applicant submits that since OA-1532 of 2013 (Jadav Chandra Bhattacharya & Others Vs. The State of West Bengal & Others) has been disposed of by order dated 20th February, 2019 by directing the authorities to consider the case of the applicant for promotion when the vacancies in the promotional post are filled up, the case of the applicant may also be considered.

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Mr.S.N.Ray, learned advocate appearing on behalf of the State authorities submits that since the original application being OA-1532 of 2013 has been disposed of, if directed, the respondent authorities will consider the case of the applicant for promotion in accordance with law.

It appears that OA-1532 of 2013 was disposed of on 20th February, 2019 by passing an order, the relevant portion of which is as under :

“We have been informed by Learned Counsel for the applicants that the vacancies in the promotional post of Evaluation Officer under West Bengal Agricultural Service (Evaluation) have not been filled up till date, though the applicants are eligible to be considered for promotion to the said post. Since promotion is not a matter of right, but consideration of the applicants for promotion is a matter of right, we direct the Respondent No. 1, Principal Secretary to the Government of West Bengal, Department of Agriculture to consider the applicants for promotion when the vacancies in the promotional post will be filled up, if the applicants are otherwise found suitable for promotion.

With the above direction, the original application stands disposed of”.

Having heard the learned advocates for the parties, since it is submitted on behalf of the applicant that the case of the applicant for promotion could not be considered due to pendency of the original application being OA-1532 of 2013 and as admittedly there was an interim order subsisting and as the said original application has been disposed of, the instant application is disposed of by directing the Secretary, Department of Agriculture, Nabanna, Howrah, the

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respondent no.1 to consider the case of the applicant, though he has retired on 31st August, 2017, by passing a reasoned order to be communicated to the parties within fifteen week from the date of presentation of a copy of this order downloaded from the website of the Tribunal after the verifying the records and after making necessary enquiry.

BLR

(SOUMITRA PAL)
CHAIRMAN

WEST BENGAL ADMINISTRATIVE TRIBUNAL