

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 1011 of 2018

Nandalal Das & Ors. -- VERSUS – The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicants : Mr. S. Mustafi,
Ld. Advocate.

For the State Respondents : Mrs. S. Bandyopadhyay,
Ld. Advocate.

18
22.07.2024

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.

By memo. nos. 676, and 1738 dated 30.03.2001 and 27.08.2001 respectively of Public Works Department informed applicants no. 1, Nandalal Das, applicant no. 2, Narendra Nath Banerjee and applicant no. 3, Adhir Ranjan Biswas about their selection for appointment as Peon with the Department. The same memos also advised the applicants to fill up the blank VRs and return the same. The applicants were advised to obtain Medical Certificate in the format which was enclosed with this letter.

The reasoned order under challenge passed by the Principal Secretary, PWD dated 11.01.2018 makes it clear that such PVR and Medical Examination were completed during 2001-2002 itself. However, due to embargo imposed by the Finance Department, the issue of appointment letters was held up. The applicants then filed an application before this Tribunal in OA 1950 of 2004 which culminated in a direction dated 11.12.2006 to the respondent authorities to issue appointment letters to the post of Group-D to the petitioners. The applicants had to file one more application before this Tribunal for the delay in offering the appointment letters. In OA 1107 of 2015, the Tribunal directed the respondent authorities to hear the applicants and take a decision in their prayer for making them eligible to pensionable service.

From the total length of service rendered by the applicants in the post of Group-D, Nandalal Das had a total service length of 9 years 4 months and 26 days. Narendra Nath Banerjee served for a total of 8 years 8 months and 27 days and Adhir Ranjan Biswas served for a total of 7 years 11 months and 8 days. The prayer in this application is to set aside the impugned reasoned order dated 11.01.2018 passed by the Principal Secretary, PWD. The prayer

ORDER SHEET

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also is for a direction to the respondent authorities to condone the period of shortfall in their service length to qualify them for pension.

After hearing the submissions of the learned counsels and after examination of the records, the Tribunal would like to know from the respondent authorities the reason why a direction of this Tribunal in OA 1950 of 2004 passed on 11.12.2006 directing the respondents to issue the appointment letters was delayed by around 2½ years.

Mrs. Bandyopadhyay wishes to take instructions from the respondent authorities and submit the response before this Tribunal in the form of a reply. Let such reply be filed by the next date and a copy be served upon Mr. Mustafi, who, if so wished, can file the rejoinder by the next date.

Let the matter appear under the heading “**Hearing**” on **17.03.2025**.

SAYEED AHMED BABA
Officiating Chairperson & Member (A)

CSM/SS