

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson and Administrative Member.

Case No. –OA 102 of 2023

Rimo Paul and Others. - Versus - The State of West Bengal & Others.

Serial No. and Date of order	For the Applicants	: Mr. S. K. Nandi, Mr. D. Ghosh, Mr. S. Nandi, Advocates.
<u>02</u> 11.04.2023.	For the State Respondents	: None.
	For the Advocate General, West Bengal.	: Mr. G. P. Banerjee, Advocate.

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.

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

Affidavit of service filed be kept on record.

The prayer in this application is for setting aside Rule 4(2) regulating the recruitment to the post of Sub-Officer, Leader and Fire Operator under the Department of Fire & Emergency Services, West Bengal. The submission of Mr. S. K. Nandi, learned advocate appearing on behalf of the applicants is with reference to the Notification No. 229/FES/O/2E-02/2010(Pt-I) dated 8th February, 2019 in which 15% posts of Fire Operator are reserved for the Auxiliary Fire Personnel. According to him, this is sheer disproportionate and unconstitutional and violation of Article 14 and Article 309 of the Constitution of India.

After the initial submissions from both the learned advocates, it is submitted by them that this matter involves points of law and it would be proper if this is placed and heard by a Bench comprising two

ORDER SHEET

Form No.

Rimo Paul and Others.

Case No. **OA 102 of 2023.**

Vs.

The State of West Bengal & Others.

Members (Judicial and Administrative).

In view of the above submission for placing the matter before a Division Bench, let this matter be placed before such a Bench on 19.09.2023 under the heading “Admission Hearing”.

(SAYEED AHMED BABA)
Officiating Chairperson and Member (A)

SM