

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 102 of 2023

Rimo Paul & Ors. -- **VERSUS** – The State of West Bengal & Ors.

Serial No. and Date of order	For the Applicants	: Mr. S.K. Nandi, Ld. Advocate. Mr. D. Ghosh, Ld. Advocate.
	For the State respondent	: Mr. G. Halder, Ld. Advocate.
<u>03</u> 19.09.2023	For the Advocate General, WB	: Mr. G.P. Banerjee, Ld. Advocate.
	For the PSC, WB	: Mr. S. Bhattacharjee, Ld. 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.

Mr. Nandi, learned counsel for the applicants files a supplementary application incorporating in it the rules relating to the recruitment of Sub-Officer, Leader and Fire Operator under the West Bengal Fire Services issued on 04.02.2018 by the Department of Fire and Emergency Services. Supplementary Application filed by the applicants be kept on record.

Mr. Banerjee, appearing on behalf of the Advocate General, West Bengal submits that this application is barred by limitation for challenging the recruitment process for the post of Fire Operators which was published by the PSC, WB in the year 2018. Further, Mr. Banerjee points out in their application that they have prayed for absorption of the applicants, who are Auxiliary Fire Personnel on permanent basis to the post of Fire Operators. It is pointed out that on one hand, these applicants as Auxiliary Fire Personnel did not participate in the recruitment process but at the same time are praying for absorption to the post of Fire Operators. Another substantive prayer is that the Auxiliary Fire Personnel having reservation of 15% in the post of Fire Operators have prayed for enhancement of this relaxation to 75%.

Appearing on behalf of the State respondents, Mr. Halder submits that the main issue of recruitment for the post of Fire Operators which was

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conducted by the PSC, WB in the year 2018 has already been settled by orders of the Hon'ble Tribunal and the Hon'ble High Court.

Mr. Bhattacharjee, learned counsel appearing on behalf of the Commission highlights that this application is not admissible for the reason that these applicants challenging the very recruitment process have not participated in it at all. Since this application has been placed for hearing by a Bench comprising two members (Judicial and Administrative), let the above submissions also be placed before such a Bench on **25.01.2024** under the heading "**Admission Hearing**".

CSM/SS

SAYEED AHMED BABA
Officiating Chairperson & Member (A)