

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

The Hon'ble Sayeed Ahmed Baba, Administrative Member

Case No. – OA 1020 of 2018

DINESH CHANDRA MONDAL - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. For the Applicants : Mr. Debabrata Karan,
and Mrs. Sabita Khutia (Bhunya),
Date of Mr. Debapriya Karan
order Advocates

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13.06.2022 For the State Respondents : Mr. Sankha Ghosh,
Advocate

As prayed for by Mr. Debabrata Karan, learned advocate for the applicant, leave granted to add the Secretary to the Government of West Bengal, Finance Department, as party respondent by amending the cause title of the original application in course of this day.

Since Mr. Sankha Ghosh, learned advocate is appearing on behalf of the State respondents, he is requested to appear also on behalf of the added respondents.

Though the matter has appeared under the heading "To Be Mentioned", as prayed for by Mr. Karan, the matter is taken up for hearing to which Mr. Ghosh in his usual fairness does not oppose.

In this application, Dinesh Chandra Mondal, the applicant, who has superannuated on 31st October, 2015, has prayed for several reliefs, the relevant portion of which is as under:

"a) An order be passed directing the respondent authorities to give promotional benefits to the applicant by giving promotion from SAS-III grade to SAS-II grade as a schedule caste candidate w.e.f. 26.12.2007 from the date of joining to the promotion post by the juniors of the applicant

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and to give subsequent promotions which the applicant was entitled to when his juniors were given further promotion and to effect the proper pay fixation on the basis of the promotion from 26.12.2007;

- b) *An order be passed directing the respondents authorities to give all consequential arrear benefits including 12% interest accrued thereon;"*

It appears earlier the applicant had moved the Tribunal for redressal of his grievances by filing an application, being O.A. 1299 of 2012, which was disposed of on 7th July, 2015 by passing an order, the relevant portion of which is as under:

"We have heard Ld. Counsel for the parties and perused the affidavits exchanged between the parties. It appears that although the petitioner had incorporated in his Service Book way back in 1991 that he belongs to SC category, but at the time of promotion in the year 2009 he was not considered admittedly due to the lapse of the concerned department where his status as a SC candidate was not taken into account.

We have heard Ld. Counsels for the parties. Perused the materials. It appears there is substance in the prayer made in this application.

Had this fact been taken into account that the petitioner was also in the SC category, he would also have been promoted in 2007, along with all

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other similar persons.

Accordingly, we would direct the Respondent No.2, i.e. Director of Agriculture to give effect of promotion to the petitioner with effect from the date of promotion of his immediate junior from 2007. The application is accordingly disposed of.”

Subsequently, by memo dated 25th October, 2016, issued by the O.S.D. and Ex-Officio Director of Agriculture, Government of West Bengal, the respondent no.8, addressed to the Additional Secretary, Government of West Bengal, Agriculture Department, Kolkata, it was intimated “*in order to comply with the said judgement dated 30/07/2015 of W.B.A.T., concurrence of the Finance Department is required for awarding to him effect of promotion w.e.f. 26/12/2007*” and a request was made to grant administrative approval with concurrence of the Finance Department so that the judgement passed by the West Bengal Administrative Tribunal could be complied with.

It is evident from the order dated 7th July, 2015, passed in O.A. 1299 of 2012, a direction was issued upon the Director of Agriculture to give effect to the promotion of the applicant with effect from the date of promotion of his immediate junior from 2007.

Accordingly, the O.S.D. and Ex-Officio Director of Agriculture, Government of West Bengal, the respondent no.8 shall forward the file before the Secretary to the Government of West Bengal, Finance Department, the added respondent within a fortnight from the date of presentation of a copy of this order downloaded from the website of the Tribunal. After receiving the file / record, the Secretary to the Government of West Bengal, Finance Department, the added respondent, shall issue necessary approval within four weeks and shall send back the file to the O.S.D. and Ex-Officio Director of Agriculture, Government of West Bengal, the respondent no.8. The respondent no.8 shall thereafter give necessary approval or sanction to give effect

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of promotion to the petitioner with effect from the date of promotion of his immediate junior from 2007 within a fortnight from the date of receiving the file.

SCN. Since the applicant has prayed for grant of interest, the added respondent and the respondent no.8 shall approve and / or sanction grant of interest @ 6% per annum to be given while giving effect to the promotional benefits with effect from 26th December, 2007. The application is disposed of.

(SAYEED AHMED BABA)
MEMBER (A)

(SOUMITRA PAL)
CHAIRMAN

WEST BENGAL ADMINISTRATIVE TRIBUNAL