

**ORDER SHEET**

**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- 1027 of 2016**

**Shyamal Kumar Bandyopadhyay - Vs - The State of West Bengal & Ors.**

Serial No. and  
Date of order

For the Applicant : Mrs. Sonali Mitra,  
Learned Advocate.

17  
05.08.2024.

For the State Respondents Mr. G.P. Banerjee,  
Learned 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.

The applicant has prayed for a direction to give him promotion to the post of Deputy Assistant Director w.e.f. 07.01.2004 and promotion to the post of Assistant Director w.e.f. 04.01.2012 retrospectively after creating supernumerary post and extend the financial benefits arising from these two promotions. The applicant who had retired from the post of Deputy Assistant Director on 31.10.2012 argues that by an order No. 44 dated 07.01.2004 though his juniors were promoted to the post of Deputy Assistant Director but he was not given such promotion.

The main question which comes to the mind of this Tribunal is whether by accepting his promotion for the post of Deputy Assistant Director on 17.09.2009, did he accept such promotion under protest; otherwise the Tribunal will have to accept this issue as an afterthought after retiring from service. Mrs. Mitra draws attention to legal notice dated 02.08.2016 and further submits that the applicant indeed has himself furnished several representations in protest against such promotion given to him belatedly. In the next round of hearing she wishes to file copies of such representations.

Let the matter appear under the heading **Hearing on 14.11.2024.**

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**(SAYEED AHMED BABA)**  
**OFFICIATING CHAIRPERSON AND MEMBER (A)**

**ORDER SHEET**

Form No.

**Chhayarani Mahata**

Vs.

Case No **OA- 76 of 2024**

**THE STATE OF WEST BENGAL & OTHERS.**

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WEST BENGAL ADMINISTRATIVE TRIBUNAL