

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 1027 of 2016

Shyamal Kumar Bandyopadhyay -- VERSUS – The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant : Mrs. S. Mitra, Ld. Advocate.

For the State Respondents : Mr. G.P. Banerjee, Ld. Advocate.

18
14.11.2024

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.

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.

Though Mrs. Mitra had confirmed that the applicant had indeed furnished several representations during his service life protesting against such lower pay but copies of such representations were not made available before this Tribunal.

Mr. Banerjee, learned counsel appearing on behalf of the State respondents has questioned the maintainability of this application as it is barred by limitation.

From the submissions of the learned counsels and the records available in this application, the Tribunal is not satisfied with the contention of the applicant for getting a lower pay scale. No records have been referred to which would substantiate his point of view. In absence of any record, the Tribunal assumes that long after retirement, the applicant decided to approach this Tribunal for a direction to the respondent authorities. It is also clear that during his entire service life, he served without protest and application praying for a direction for promotion with retrospective effect made much after his retirement is not a valid application.

Accordingly, this application is **disposed of**.

CSM/SS

SAYEED AHMED BABA
Officiating Chairperson & Member (A)