

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

Case No. - OA 110 OF 2022

HABIBAR RAHAMAN - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	: Mr. Asok Kumar Das Sinha, Advocate
<u>5</u> 28.06.2022	For the State Respondent Nos. 1 to 6	: Mr. Gautam Pathak Banerjee, Advocate

The matter is taken up by the single Bench pursuant to the order contained in the Notification No.118-WBAT/1E-08/2003 (Pt.-II) dated 11th February, 2022 issued in exercise of the powers conferred under section 6(5) of the Administrative Tribunals Act, 1985.

In this application, Habibar Rahaman,- the applicant, a Store-Keeper in Jangipur S.D. Hospital, Murshidabad, - - has prayed for certain reliefs, the relevant portion of which is as under:

- “a) An Order do directing upon the respondent to allow promotion to grade – I in favour of the applicant with effect from 2015 as early as possible considering the seniority of the applicant in the Department.*
- b) An Order do directing upon the respondent to allow the Higher scale of pay of Grade – I with effect from 2015 in favour of the applicant as early as possible.*
- c) An Order do directing upon the respondent to consider the representations (Annexure-C) of the applicant where the applicant is the very much entitled to others similar circumstances government employees and/or take necessary steps in this regard within fortnight from the date of communication of the order of the Hon'ble Tribunal.”*

It is submitted by Mr Asok Kumar Das Sinha, learned advocate for the

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applicant that since the applicant is entitled to promotion to Grade I as Store Keeper and as his junior has superseded him as stated in paragraph 6(i) of the application, orders as prayed for may be passed.

Mr. Gautam Pathak Banerjee, learned advocate appearing on behalf of the State respondents, submits since it is evident that a departmental proceeding was initiated against the applicant and order was passed by the Director of Health Services, West Bengal, the respondent no.2 stopping the increment of the applicant for three consecutive years with cumulative effect in terms of Rule 8(ii) of the W.B.S.(C.C.&A) Rules,1971, no order may be passed.

In reply it is submitted on behalf of the applicant that liberty may be granted to the applicant to file a representation before the authorities praying for promotion to Grade I as Store Keeper.

Having heard the learned advocates for the parties and considering the facts and circumstances of the case, the application is disposed of by granting liberty to the applicant to file representation ventilating his grievances with regard to promotion before the Director of Health Services, Government of West Bengal, Kolkata, the respondent no.2 within four weeks along with a copy of this order downloaded from the website of the Tribunal. If representation is filed within the time as stipulated, the respondent no.2 shall dispose of the same by passing a reasoned order to be communicated to the parties within eight weeks after giving an opportunity of hearing and after verifying the records.

SCN.

(SOUMITRA PAL)
CHAIRMAN