

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

Mr. Sayeed Ahmed Baba, Officiating Chairperson and Hon'ble Member (A).

Case No. – OA 159 of 2021.

ASIT MUKHOPADHYAY – VS- THE STATE OF WEST BENGAL & ORS.

Serial No. and
Date of order

9
11.8.2023

For the Applicant : Mr. S. Mustafi,
Advocate.
For the State Respondents : Mr. G.P. Banerjee,
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 counsel for the contesting parties, the case is taken up for consideration sitting singly.

The prayer in this application is for setting aside the impugned order passed by the respondent, Ravi Kant Sinha, PCCF, HoFF on 24th December, 2020. The prayer also includes a direction to the respondent authority to give the applicant's seniority since 2006 in respect of the promotion to the post of Forest Guard instead of 2011.

On examination of the above cited reasoned order, it appears that the applicant along with 18 other eligible candidates were interviewed for the post of Group D in the year 2006. However, the selection committee did not find this applicant suitable for the post of Forest Guard at that time. Subsequently, in 2011 against a fresh vacancy for the post of Forest Guard, one more round of interview was held and this time the applicant was recommended and subsequently appointed as a Forest Guard. Submission of Mr. S. Mustafi, the learned counsel for the applicant is that the selection process conducted through interview in 2016 was not done properly. For instance, during the interview, no physical measurement of the candidates was taken.

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THE STATE OF WEST BENGAL & ORS.

Mr. G.P. Banerjee, learned counsel for the State respondents submits that if the applicant was dissatisfied or found any procedural lapses during 2006 interview, he could have expressed his grievances before the respondent at that point of time or filed an application before this Tribunal. The applicant took neither of these actions and rather in the year 2011 when he was recommended and selected, he accepted it with all humility and without any grudge! Now, only after the reasoned order was passed in 2020, the applicant decided to file this application in the year in 2021.

After hearing the submissions and after examining the papers, the Tribunal is of the view that had the applicant genuinely felt any procedural lapses or any injustice being perpetuated against him, he could have filed his representations , but, since 2006 till 2011, he remained silent and did not murmur any word of protest. Interestingly, in the year 2011 he was selected by the same interview committee and he accepted this post without expressing any pleasure or displeasure, but later in 2019, he felt aggrieved that some wrong was done to him in the year 2006.

Therefore, the Tribunal comes to this conclusion that the applicant having accepted his posting in 2011 cannot protest any wrongdoing in 2006 for an alleged action or inaction on the part of respondents much later in 2019. Since this application has no merit, therefore it is dismissed without any order.

(SAYEED AHMED BABA)
Officiating Chairperson and Member (A).

Skg.