

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 194 OF 2025

GAUTAM BOSE - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	:	Mr. Manujendra Narayan Roy, Mr. Gaurav Haldar, Mrs. Priya Sasmal Learned Advocates
<u>3</u> 23.07.2025	For the State Respondents	:	Mr. Gautam Pathak Banerjee, Learned Advocate
	For the Respondent No. 4	:	Mr. Sankha Ghosh, Learned Advocate
	For the Public Service Commission, West Bengal	:	Mr. Saurav Bhattacharjee, Learned Advocate
	For the Private respondent No.9	:	Mr. Masud Karim, 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 prayer in this application is for a direction to the respondent authorities to refix the seniority of the applicant up and above the private respondent in the final combined gradation list of Engineer Officers of Mechanical & Electrical Wing of Irrigation & Waterways Department, borne in the cadre of West Bengal Engineering Service.

The applicant, Gautam Bose, a Superintending Engineer, South West Mechanical & Electrical Circle, Paschim Bardhaman, has filed this application challenging Notification No.26-IE dated 02.01.2024, wherein he was placed below the private respondent in the Gradation List for which he missed the opportunity of getting promotion vide Notification No.112 dated 14.01.2021. The applicant, being a General category candidate, joined the post of Assistant Engineer on 25.08.2005 and the private respondent, being a Scheduled Caste category candidate, joined the same post on 14.09.2006. In the initial gradation list, Combined Gradation List of the Engineer Officers (Mechanical & Electrical) from the Rank of Assistant Engineer to Chief Engineer under Irrigation and Waterways Department, published on 03.12.2019, the

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private respondent was placed at serial No.8 and the applicant's name featured at serial No.5 and both were Executive Engineers. But, in the gradation list published on 31.12.2023, the private respondent was placed at serial No.4 and the applicant's position was at serial No.5 and both were Superintending Engineers. As a result, the private respondent got promotion on 14.01.2021, whereas the applicant got promotion on 22.07.2021.

The learned counsel for the applicant submitted that while giving promotion, the Departmental Promotion Committee (DPC), among all other eligibility criterias, takes into account the 50 point roster under the West Bengal Schedule Castes and Schedule Tribes (Reservation of Vacancies in Services and Posts) Act, 1976. Submission is, in this case, the 10th point of the 50 point roster has not been accurately followed. Since the applicant joined on 25.08.2005 and the private respondent was appointed on 14.09.2006, the applicant is senior to the private respondent. The applicant has submitted two representations dated 06.10.2020 and dated 09.01.2024 addressed to the respondent Nos. 2 and 6 respectively ventilating his grievances, but the same have not been considered till date. Since the applicant, being senior, has been granted promotion after more than six months of granting promotion to the private respondent, it not only violates the Rules, but also deprives the applicant from his legal right. Since this is illegal and arbitrary, the applicant has approached this Tribunal.

Mr. Gautam Pathak Banerjee, learned counsel for the State respondents has submitted that since the applicant addressed his representation dated 09.01.2024 by his official capacity addressed to the Chief Engineer (Mechanical & Electrical), the same was not considered. If a direction is given and a representation is submitted to the Additional Chief Secretary of the Department, the same will be considered as per Rules.

Having heard the submissions of the learned counsels and considering the facts and circumstances of the matter, the Tribunal disposed of this application with a direction to the applicant to file a fresh representation before the respondent No.2, the Additional Chief Secretary, Irrigation & Waterways Department, Kolkata, ventilating his grievances within a period of three weeks. If it is filed within the stipulated time, the said respondent No.2 will dispose of the same by passing a reasoned and speaking order within three months from the date of communication of this order and after giving an opportunity of personal hearing to the applicant and the private respondent, when both

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sides will present their case.

It is made clear that the Tribunal has not gone into the merit of the case and all points are left open to be dealt with by the said respondent.

The application is disposed of.

(SAYEED AHMED BABA)
OFFICIATING CHAIRPERSON
and MEMBER (A)

SCN.

WEST BENGAL ADMINISTRATIVE TRIBUNAL