

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

The Hon'ble Sayeed Ahmed Baba, Administrative Member

Case No. – OA 224 of 2019

Sukanta Paul & Another - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and
Date of order

25
11.07.2022

For the Applicants

: Mr. J. Majumdar,
Mr. A.R. Mukherjee,
Mrs. S. Agarwal,
Advocates.

For the Respondent

: Mr. G.P. Banerjee,
Mr. M.N. Roy,
Mr. G. Halder,
Advocates.

For the Respondent Nos. 8, 9 & 12 : Mr. K. Dutta (Sr. Adv.) &
Mr. R.K. Singh,
Advocate.

For the PSC, WB

: Mr. S. Bhattacharjee,
Advocate.

By order dated 6th July, 2022, the State respondents were directed to produce the files relating to appointments to the post concerned regarding 1999 batch and 2000 batch today.

Today Mr. G.P. Banerjee, learned advocate for the State respondents has left the Court on personal ground and has entrusted Mr. G. Halder, learned advocate, who normally appears for the State respondent authorities to remain present during hearing. It is submitted by Mr. Halder on telephonic instruction from Mr. Banerjee that the files directed to be produced were destroyed by fire in the year 2015.

In view of the said submission, the Principal Secretary, Public Health Engineering Department, West Bengal, the respondent no. 1, is directed to file affidavit on the next date of hearing regarding destruction of files and shall state what steps have been taken pursuant to the loss of the said files in fire and whether any enquiry was directed to be conducted and if directed the report is to be furnished along with the said affidavit.

Further, in view of the submission made by the parties, as we find final gradation list was prepared and was placed before the higher authorities, a body, for approval

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which consisted of Chief Engineer (HQ), PHE Department, Administrative Officer (General), PHE Department and Senior Law Officer and the findings of the committee is at CP-255 (I to V) and recommendations were made, let it be placed on the next date of hearing.

The Public Service Commission, West Bengal and the Secretary on the next date of hearing shall place the records regarding the issue relating to the year 1999 and 2000 batches. Since the Tribunal faced difficulty in not finding a copy of the West Bengal Public Service Commission Rules and Procedure, 1982 and any subsequent rule framed thereunder and as it is not displayed on the website of the Commission, the Secretary of the Commission, the added respondent, is directed to upload the said 1982 Rules and the subsequent rules, if any on the website of the Commission within 72 hours from the date of obtaining a copy of this order downloaded from the website of the Tribunal.

Since the Tribunal is facing considerable difficulty in having the orders, rules and notifications issued by the Government of West Bengal regarding service related matters, the Chief Secretary, Government of West Bengal is directed to issue orders to the respective department of the State of West Bengal to upload orders, rules and the notifications issued till date in the website of the respective departments within 30 days from the date of furnishing a copy of this order downloaded from the website of the Tribunal.

Heard Mr. K. Dutta, learned senior advocate in part.

Let the matter appear under the heading "Hearing" on 13th July, 2022.

Let a copy of this order be sent by the learned Registrar to the Chief Secretary, Government of West Bengal by 18th July, 2022.

HS/SS

(SAYEED AHMED BABA)
MEMBER (A)

(SOUMITRA PAL)
CHAIRMAN