

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 & ANR. - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and
Date of order

26
13.07.2022

For the Applicants : Mr. Joytosh Majumder,
Mr. Arjun Ray Mukherjee,
Mrs. Sunita Agarwal,
Advocates

For the State Respondents : Mr. Gautam Pathak Banerjee,
Mr. Manujendra Narayan Roy,
Advocate

For the Respondent nos. 8,9 and 12 : Mr. Kishore Datta,
Senior Advocate
Mr. Rahul Kumar Singh,
Advocate

Pursuant to the directions contained in the orders dated 6th July, 2022 and 11th July, 2022, the Principal Secretary, Public Health Engineering, West Bengal, the respondent no.1, through Mr. Gautam Pathak Banerjee, learned advocate for the State respondents, has filed an affidavit of compliance. Let it be kept on record.

Pursuant to the directions contained in the order dated 11th July, 2022, the Secretary of the Public Service Commission, West Bengal, through Mr. Saurav Bhattacharjee, learned advocate for the Commission, has produced the records relating to the year 1999 and 2000 batches, which are as follows:-

- (1) File No.1S-56/98
- (2) File No.1S-26/93(iii)
- (3) File No. 1S-26/93(ii)
- (4) File No. 1S-26/93(i)
- (5) File No. 1S-26/93

Learned Advocates for the parties have inspected the files.

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Mr. Joytosh Majumder, learned advocate for the applicant submits that pages from page 31 onwards of the 1998 file are missing. In the second file, bearing no.1S-26/93(iii) pages 1 to 14 are missing. Submission is at page 88 of the file, bearing no.PHE/ESTT./2E-25/02, a note was issued on behalf of the Senior Law Officer. The said note was written by the Senior Law Officer on 17th April, 2019 and below that the designation of Principal Secretary was written. However, there is neither the signature of the Principal Secretary nor the date. With reference to page 89 of the said file, submission is it relates to a post to be kept vacant and is relating to Asis Naskar. It was signed by one Bardhan on 20th January, 2021 that is after two years.

Mr. Kishore Datta, learned senior advocate for the private respondent nos. 8, 9 and 12 submits that on a perusal of the contemporaneous records, namely pages 84, 85, 86 and 88 of file No. PHE / Estt/2E-25/02, it is evident that the letter dated 24th November, 2017, was never found in the official records and that the applicants themselves juggled with the department and misused their proximity to the officer concerned in creating the said document. With regard to the approval by the Principal Secretary, it is submitted that these contemporaneous records had never been disputed at any stage by the higher officials of the department including the Minister concerned.

It is submitted by Mr. Saurav Bhattacharjee, learned advocate for the Commission, though it was submitted on behalf of the applicants that page nos. 30 onwards of File No.1S-56/98 are missing, on a perusal of the same, it reveals that page nos. 31 to 33 are at the beginning of the file.

After inspecting the files of the Commission, it is submitted by Mr. Datta that from pages 23 and 24 of the file, being no.1S-56/98, it is evident that the department had requisitioned for 5 posts on 4th February, 2002 against vacancies upto 31st December, 2001 and the applicants were recommended on 6th March, 2002 by the Commission against the vacancies upto 31st December, 2001.

Heard Mr. Datta, for the private respondent nos. 8, 9 and 12 in part.

Let the matter appear under the heading "Hearing" on 18th July, 2022.

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SCN. The files produced on behalf of the State Government and the Public Service Commission, West Bengal are to be retained by the respective learned advocates on record for the State and Commission and shall be produced on the next date of hearing.

(SAYEED AHMED BABA)
MEMBER (A)

(SOUMITRA PAL)
CHAIRMAN

WEST BENGAL ADMINISTRATIVE TRIBUNAL