

**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 234 of 2023.

APURBA LAL GAIN - VERSUS- THE STATE OF WEST BENGAL & ORS.

Serial No. and  
Date of order

04  
18.04.2024

For the Applicant : Mr. P.S. Das,  
Advocate.  
For the State Respondents : Mr. S. Ghosh,  
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 23<sup>rd</sup> 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.

Affidavit of service filed today be kept on record.

The applicant has prayed for setting aside the message dated 31.8.2022 to the extent of non recommendation of the name of the applicant for his promotion. By this message, the Additional Director General had instructed the Divisional Fire Officer to arrange appearance of 26+26 number of officers under their control on 05.9.2022 and 06.9.2022 regarding their promotion to the post of Station Officer under Director of Fire and Emergency Services. The applicant being a Fire Operator was not part of these officers, who have been called to participate in the test for the promotion to the post of Station Officer.

Mr. P.S. Das, learned counsel for the applicant submits that since 2005, the applicant having worked continuously was never offered the opportunity for promotion to a higher post, though eligible.

Mr. S. Ghosh, learned counsel for the State respondents submits that a total of 970 candidates had appeared in a departmental exam for promotion to the post

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of Station Officer, out of which only 522 candidates became successful and the last selected successful candidate had scored 50 marks whereas the applicant scored only 22.33 marks. As a result, his case was not considered for promotion to the post of Station Officer. Mr. Ghosh further informs that the list of successful candidates along with their scores were published in the departmental website.

In the representation filed before the respondent authorities, the applicant mentions about the departmental examination held for promotion but does not mention about the low marks he had scored in his exam. His only contention is that having worked for 17 years in the department, he was not promoted, whereas his juniors to him were promoted. From the submissions and the available materials on records, it is clear to the Tribunal that such promotion to this higher post are on the basis of a departmental examination. Only those candidates who score above the cut off marks are selected for such promotion. Having worked for long years does not entitle a candidate to be automatically promoted. Such promotions are conditional on the basis of departmental examination. It is clear that such departmental examinations were held and the applicant participated but did not score high enough marks to be qualified. The last successful candidate in this promotional exam had scored 50 marks, whereas the applicant scored 22.33 marks only, thus not considered.

Thus, having no merit in this application, it is disposed of without passing any orders.

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

Sk.