

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 249 of 2020

MD. HASIMUDDIN & OTHERS - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and
Date of order

11
17.12.2021

For the Applicant : Mr. Surajit Samanta,
Advocate.

For the Respondents : Mr. Gautam Pathak Banerjee,
Mrs. Sunita Agarwal,
Advocates.

For the P.S.C., West Bengal : Mr. Sourav Bhattacharjee,
Advocate.

Heard Mr. Surajit Samanta, learned advocate for the applicant, Mr. Gautam Pathak Banerjee, learned advocate for the State respondents and Mr. Sourav Bhattacharjee, learned advocate for the Public Service Commission, West Bengal.

Let reply be filed by 11th February, 2022. Rejoinder, if any, by 25th February, 2022. Matter to appear under the heading “Reply, Rejoinder and Objection” on 7th March, 2022.

Mr. Samanta, submits that since gradation system has been abolished, as evident from the reply given by the Government of West Bengal, Mass Education Extension Directorate, Kolkata, as evident from page 61 of the application, wherefrom it appears that gradation system of EOMEE/LEOMEE has been abolished by dint of ROPA 1981 and there are no grade II posts and as the applicants are appointing candidates directly as evident from the memorandum dated 6th December, 2021, issued by the Additional Secretary of the said Department, interim order may be passed.

Mr. Goutam Pathak Banerjee, submits that as recruitments are made on the basis of the Recruitment Rules framed under Article 309 of the Constitution of India and as all the applicants were appointed in between 2010 and 2018, no interim order may be passed since they are not qualified for the post.

Mr. Sourav Bhattacharjee, learned advocate for the Commission submits that the recruitment process was initiated under instructions from the State

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authorities on the basis of the requisition sent and the recommendation was made on 20th April 2021.

In reply Mr. Samanta referring to the annexure “A-1” submits that the letter of appointment dated 31st August 2010 does not refer to any grade.

SCN.

So far the prayer for interim order is concerned, since we prima facie find that the gradation system was abolished by dint of ROPA 1981 and “there are no Grade II posts” as evident from the reply to the R.T.I. application dated 21st September, 2019, appearing at page 61 of the application, let there be an interim order restraining the respondents not to fill up the posts till 6th May, 2022 or until further order whichever is earlier.

On the prayer of Mr. Samanta, let a copy of the list of the appointees – direct recruits, be furnished to him by Mr. Banerjee and Mr. Bhattacharjee, learned advocates for the State and Commission respectively for adding the appointees as party respondents by amending the cause title of the Original Application and the Review Application.

(SAYEED AHMED BABA)
MEMBER(A)

(SOUMITRA PAL)
CHAIRMAN