

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson & Member (A)

Case No. – OA-27 of 2023

Abul Kalam Azad -- VERSUS – The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant : Md. R. Islam,
Ld. Advocate.
For the State Respondent : Ms. R. Sarkar,
Mr. S. Debray,
Mrs. A. Bhattacharya,
Ld. Depttl. Reps.

06
03.09.2024

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 applicant has prayed for a direction to the respondent authority to issue an order of promotion to the applicant to the post of Amin and allow him the benefit of Career Advancement Scheme. The applicant superannuated as an Amin on 31.12.2014. Reference has been made to the copies of the representations dated 11.04.2019 and 11.01.2021. In the representations furnished before the respondent authorities, the applicant points out that by an order no. 857 dated 07.01.1984, he was selected for promotion to the post of Amin. Since such promotion was not given despite being selected, he moved the High Court which favoured him an order passed on 17.03.1993 in C.O. No. 12984(W) of 1992. The Hon'ble High Court had directed the respondent authorities to confer promotion to the applicant from Group-D to Group-C w.e.f. 01.01.1983. The representation expresses the grievance that despite such an order, he was given the benefit only from 25.09.1992 instead of 01.01.1983. In the other representation, he adds that the 25 years' of Career Advancement Scheme was also not given to him.

Responding to the points raised by the applicant, Ms. Sarkar presents a copy of the option exercised by the applicant for the post of Amin w.e.f. 25.09.1992. Submission is that the applicant himself on 16.05.1997 exercised an option for the post of Amin w.e.f. 25.09.1992.

Attention has also been drawn by the Ld. Departmental Representative to page 64 of the Service Book of the applicant. The following entry is shown :

“Sk. Abul Kalam Azad a non Qualified Gr. ‘D’ employee posted under the DL & LRO, Birbhum has been opted to officiate in the post of AMIN under

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scale of pay Rs.1040-1920/- w.e.f. 25.09.92 plus pay via order of the Hon'ble High Court passed in C.O. No. 12984(W) of 1992 dtd. 17.03.93 and 26.07.93."

Submission is that by his own option for the post of Amin w.e.f. 25.09.1992, such promotion was given and recorded in the Service Book.

The applicant's side is not able to express why despite a favourable High Court's order giving promotion to the post of Group-C w.e.f. 01.01.1983, the applicant exercised an option for promotion to the post of Amin w.e.f. 25.09.1992. It is not in doubt that the Hon'ble High Court had passed such an order in favour of the applicant for promotion to Group-C w.e.f. 01.01.1983 but subsequently the applicant himself preferred an option for promotion to the post of Amin, a Group-C post w.e.f. 25.09.1992. This fact was also recorded in his Service Book. The Tribunal has also noticed that the applicant has not presented any representation praying for the same cause while he was still in service. The copies of the two petitions in the application were furnished after his superannuation. The Tribunal has advised the applicant's side to present copies of representations if filed during his service tenure praying for the benefit of promotion to the post of Amin and 25 years' CAS benefit.

Mr. Islam, learned counsel wishes to consult the applicant and he will make his argument on the next date of hearing.

Let the matter appear under the heading "**Hearing**" on **14.01.2025**.

SAYEED AHMED BABA
Officiating Chairperson & Member (A)

CSM/SS