

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

Case No. - OA 271 of 2019

SATYAJIT CHATTERJEE - VERSUS - THE STATE OF WEST BENGAL & ORS.

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|---------------------------------|---------------------|----------------------------------|
| Serial No. and Date of order | For the Applicants | : Mr. G.P. Banerjee, Advocate |
| <u>9</u> 18.02.2021 | For the Respondents | : Mr. M. N. Roy, Advocate |

The matter is taken up by the single Bench pursuant to the notification no.949-WBAT/2J-15/2016 dated 24th December, 2020 issued in exercise of the powers conferred under sub-Section (6) of Section 5 of the Administrative Tribunals Act, 1985.

The matter was admitted for hearing on 10th July, 2019 when directions were issued upon the respondents to file reply. However, till date no reply has been filed. The matter has come up under the heading hearing.

In this application, Satyajit Chatterjee, the applicant, - who was recommended for promotion to the post in West Bengal Audit and Accounts Service in 2017 by the West Bengal Public Service Commission,- has prayed for several reliefs, the relevant portion of which is as under:

- “a) A direction directing the concerned respondent authorities to promote the applicant to the Posts in the West Bengal Audit & Accounts Service, 2017 in pursuant of Limited Department Examination of eligible employees of the Govt. of West Bengal held by Public Service Commission through an advertisement vide advertisement No. 13/2017 being an eligible successful candidate.
- b) A direction directing the concerned respondent authorities to send Police Verification Roll (PVR), Medical Examination Report (MER) & Integrity Certificate and other relevant

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documents to the Finance Department, Govt. of WB for joining to the Post of WBA & AS, on promotion, on the basis of the said Limited Departmental Examination, 2017.

- c) A direction directing the concerned respondent authorities to keep one (1) post vacant for the applicant till the disposal of this application.”

It is submitted by Mr. G.P. Banerjee, learned advocate for the applicant that though from the recommendation made by the Commission dated 12th December, 2018 it is evident that the name of the applicant stood against serial no.22, however, juniors posted against serial nos.29 and 33 have been promoted bypassing the applicant. In this regard attention has been drawn to the notification dated 20th February, 2019, appearing at pages 50 and 51 of the application. Submission is that direction be issued upon the respondents for considering the case for the applicant for promotion.

Mr. M.N. Roy, learned advocate for the State respondents submits that if directed, the Secretary, Finance Department, Audit Branch, WBA&AS Cell, Government of West Bengal will consider the matter in accordance with law.

Having heard the learned advocates for the parties and considering the facts and circumstances of the case, since it has been alleged by the applicant that though recommended by the Commission for promotion to the post in the West Bengal Audit & Accounts Service, 2017 his juniors have been promoted superseding him, as evident from the notification dated 12th December, 2018, the application is disposed of by granting liberty to the applicant to file a representation ventilating his grievances afresh before the Secretary, Finance Department, Audit Branch, WBA&AS Cell, Government of West Bengal, the

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respondent no.2 within eight weeks from the date of receipt of this order downloaded from the internet / website. If representation is filed within the time as stipulated, the respondent no.2 shall dispose of the same by passing a reasoned order to be communicated to the parties within eight weeks, after giving an opportunity of hearing and after verifying the records, particularly the recommendation made by the Public Service Commission, West Bengal by notification dated 12th December, 2018 and after considering the notification dated 20th February, 2019 promoting other employees against serial nos.29 and 33, similarly situated, superseding the applicant.

(SOUMITRA PAL)
CHAIRMAN