

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

Case No. - OA 273 OF 2022

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

Serial No. and
Date of order

3
07.07.2022

For the Applicants

: Mr. Manujendra Narayan Roy,
Mr. Gaurav Halder,
Advocates

For the Respondents

: Mr. Gautam Pathak Banerjee,
Advocate

The matter is taken up by the single Bench pursuant to the order contained in the Notification No.118-WBAT/1E-08/2003 (Pt.-II) dated 11th February, 2022 issued in exercise of the powers conferred under section 6(5) of the Administrative Tribunals Act, 1985.

In this application, the applicant, an Assistant Engineer under the Public Works Department, has prayed for certain reliefs, the relevant portion of which is as under:

(a) *An order do issue directing the respondent authorities to confirm your applicant to the post of "Assistant Engineer" Public Works Department in accordance the amended provisions of the West Bengal Services (Training and Examination) Rules, 1953 within a stipulated time period by exempting him from appearing in departmental examination in terms of Notification No. 834-PAR (Trg) Dated Kolkata, the 20th August, 2004 as he has attained the age of 52 years on 08.06.2017.*

(b) *An order do issue directing the respondent*

ORDER SHEET

Form No.

SATYAJIT CHATTOPADHYAY

Vs.

Case No. **OA 273 OF 2022**

THE STATE OF WEST BENGAL & ORS.

authorities to dispose of the representation dated 28.02.2022 by passing a reasoned and speaking order within a stipulated time period after giving an opportunity of hearing to the applicant herein and to communicate the decision thereof to your applicant within a stipulated time period.”

Mr. Manujendra Narayan Roy, learned advocate appearing on behalf of the applicant, referring to the notification dated 25th August, 2004 submits as the applicant had attained the age of 52 years on 8th June, 2017, he may be confirmed to the post of Assistant Engineer. Submission is as the representation dated 28th February, 2022 is pending before the Joint Secretary (Personnel), Government of West Bengal, Public Works Department, Kolkata, the respondent no.3, the said respondent may be directed to consider the same.

Mr. Gautam Pathak Banerjee, learned advocate appearing on behalf of the State respondents submits that from the said notification it is not clear whether the applicant had earlier participated in the departmental examination for promotion.

In reply it is submitted on behalf of the applicant that on a plain reading of the notification, it is evident that it is applicable to an employee under the Government of West Bengal, who had attained 52 years of age. Prayer is leave may be granted to the applicant to file representation afresh before the State respondents ventilating his grievances.

Having heard the learned advocates for the parties and considering the facts and circumstances of the case, the application is disposed of by granting liberty to the applicant to file representation afresh, ventilating his grievances in the light of the notification dated 26th August, 2004 before the respondent no.3 within four weeks from the date of receipt of this order downloaded from the

ORDER SHEET

Form No.

SATYAJIT CHATTOPADHYAY

Vs.

Case No. **OA 273 OF 2022**

THE STATE OF WEST BENGAL & ORS.

SCN.

website of the Tribunal. If representation is filed within the time as stipulated, the Joint Secretary (Personnel), Government of West Bengal, Public Works Department, Kolkata, the respondent no.3 shall dispose of the same by passing a reasoned order to be communicated to the parties within four weeks after giving an opportunity of hearing and after verifying the records and after considering the notification dated 20th August, 2004, if applicable.

(SOUMITRA PAL)
CHAIRMAN