

**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 33 of 2020**

**KRISHNA GOPAL BISWAS & OTHERS - VERSUS - THE STATE OF WEST BENGAL & ORS.**

Serial No. and  
Date of order

7  
24.12.2021

For the Applicant : Mr. Gautam Pathak Banerjee  
Mr. Ranjit Kumar Mondal  
Advocates

For the Respondents : Mr. Biswa Priya Ray  
Advocate

For the Private respondent : Mr. Masud Karim  
Nos. 6 to 16 Mr. Arpa Chakraborty  
Advocates

The matter was admitted and directions were issued to file reply and rejoinder. We find the private respondent nos. 6 to 16 have filed reply, which is on record.

In this application, the applicants, who are Assistant Engineers under the Panchayat and Rural Development Department, Government of West Bengal, have prayed for certain reliefs, including setting aside/quashing the order dated 26<sup>th</sup> May, 2008, whereby the respondents have regularised appointment of eleven Assistant Engineers under R.W.P. set up (Government Post) of the Panchayat and Rural Development Department allegedly without following the memorandum dated 24<sup>th</sup> January, 2006. Prayer has been made for correcting the draft gradation list of Assistant Engineers under R.W.P. set up (Government Post) of the Panchayat and Rural Development Department by placing the applicants above the private respondent nos. 6 to 16. Prayer has also been made for a direction upon the respondents to dispose of the objections dated 27<sup>th</sup> November, 2018 as well as the demand for justice dated 14<sup>th</sup> August, 2019 made against the draft gradation list of Assistant Engineers under R.W.P. set up (Government Post) of the Panchayat and Rural Development Department.

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At the very outset, it is submitted by Mr. Gautam Pathak Banerjee, learned advocate for the applicant that he does not press prayer (a) of the application.

Submission is as the applicants have filed representations individually objecting to the draft gradation list of 2018 published by the Department on 14<sup>th</sup> November, 2018, the respondents may be directed to consider the said objections. Prayer is liberty may be granted to file representations afresh individually highlighting the subsequent events.

Mr. Biswa Priya Ray, learned advocate for the State respondents submits since the applicants do not press prayer (a) and prayer has been restricted to consideration of the objections to the draft gradation list dated 14<sup>th</sup> November, 2018, if directed, the respondent authorities shall consider the same after giving an opportunity of hearing to the applicants and the employees affected, including the respondent nos. 6 to 16.

Mr. Masud Karim, learned advocate for the private respondent nos. 6 to 16 submits that the consideration of objections be restricted to prayer 8(c) whereby the applicants have prayed for consideration of the objections dated 27<sup>th</sup> November, 2018 as well as the demand for justice dated 14<sup>th</sup> August, 2019.

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 applicants to file representations afresh individually and separately objecting to the gradation list published under memo dated 14<sup>th</sup> November, 2018 and highlighting subsequent events, along with copies of this order downloaded from the website of the Tribunal within eight weeks, before the Joint Secretary, Panchayat & Rural Development Department, Government of West Bengal, Kolkata, the respondent no.4. If representations are filed individually and separately, the respondent no.4 shall dispose of the same by passing reasoned orders each on its merit to be communicated to each of the applicants within 15 weeks regarding objection to the draft gradation list of 2018, published by the Department on 14<sup>th</sup> November, 2018, after giving an opportunity of hearing to the

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applicants individually, the private respondent nos. 6 to 16 and other employees who may be affected and after verifying the records.

It is made clear that we have not gone into the merits of the matter and all points are kept open to be dealt with by the respondent no. 4 if representations are filed afresh within the time as stipulated.

SCN.

Since for circumstances beyond control, the Registry is unable to furnish plain copies of this order to the learned advocates for the parties, the Registry is directed to upload this order on the website of the Tribunal forthwith and parties are directed to act on the copies of the order downloaded from the website.

(SAYEED AHMED BABA)  
MEMBER(A)

(SOUMITRA PAL)  
CHAIRMAN