

**ORDER SHEET**

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Bikash Bhavan, Salt Lake, Kolkata – 700 091.**

**Present-**

**Mr. Sayeed Ahmed Baba, Officiating Chairperson and Hon'ble Member (A).**

Case No. – OA 332 of 2019.

BALARAM NASKAR- VERSUS- THE STATE OF WEST BENGAL & ORS.

Serial No. and  
Date of order

16  
04.4.2024

For the Applicant : None.

For the State Respondents : Ms. R. Sarkar,  
Mr. S. Debray,  
Mr. R. Bag,  
Learned Departmental representatives,  
Land and Land Reforms Department.

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 23<sup>rd</sup> November, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

On consent of the learned counsel for the contesting parties, the case is taken up for consideration sitting singly.

The applicant had retired on 31.01.2013 holding the post of Revenue Inspector. A promotion to the post of Bhumi Sahayak Grade - I came into effect from 01.07.1987 by memo issued on 25<sup>th</sup> June, 2001. At the time of such promotion order for Bhumi Sahayak, the applicant was already a Revenue Inspector having left the cadre of Bhumi Sahayak by then. Being deprived of such benefits of promotion to Bhumi Sahayak Grade – I, this applicant has been agitating before the respondent authorities. Representatives for the Department have put forward the argument that such granting of Grade-I benefit of Bhumi Sahayak is not applicable for those who were not holding the posts of Bhumi Sahayaks (B.S.) on the date of publication of such notification. Moreover, submission has been that since the applicant had already availed CAS benefits in the year 1994 as Bhumi Sahayak, therefore, he is not entitled for B.S. Grade-I benefits as per clause 7 of notification dated 25.06.2001.

The question of limitation has also been raised during the submissions, where such an application praying for a benefit of notification published on 25<sup>th</sup> June,

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2001 is barred by limitation or not.

Having heard and considered the matter closely, the Tribunal finds that the prayer for such Grade-I benefit for B.S. is not applicable to the applicant, for at the time of publication of the notification he was not in the cadre of B.S.s. He was a Revenue Inspector on the date of such notification and service of Revenue Inspector is a new appointment and not a promotional post from B.S.

During his service as B.S. prior to such notification, the applicant appears to have already enjoyed the benefit of CAS. The Tribunal is also not inclined to pass any order in this application for the fact that such application praying for benefit of a Notification issued in the year 2001 is barred by limitation. The fact of having put up a representation before the respondent authorities in 2017, four years after his retirement is also not in favour of this application.

Hence, coming to the conclusion that this application is devoid of any merit and also barred by limitation without any sufficient reasons, this application is disposed of without passing any orders.

(SAYEED AHMED BABA)  
Officiating Chairperson and Member (A).

Sk.