

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 –Vs- THE STATE OF WEST BENGAL & ORS

Serial No. and
Date of order

13
21.6.2023

For the Applicant : Ms. R. Roy,
Advocate.
For the State respondents : Mrs. R. Sarkar,
Mr. S. Debroy,
Advocates.

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.

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

The prayer in this application is for setting aside the impugned order No. 2305 dated 9.6.2017 relating to refusal of promotion to the applicant. The relevant portion of the impugned order is as under :-

“...that Sri Balaram Naskar, Ex-B.S. was appointed to the post of R.I. w.e.f. 09.12.1996 on the basis of R.I. Recruitment Examination and this appointment should not be considered as promotion but a fresh appointment. As such, the question of inclusion of his name in the gradation list of Bhumi Sahayak as on 01.03.2011 does not arise....”.

In this regard, the applicant had submitted representations before the respondent authorities. In the representation, the applicant had submitted that despite being promoted to the post of Bhumi Sahayak – Grade-I, he has not been given any financial benefit due to him for this promotion. In the meantime, the applicant had retired on 31.01.2013 without getting the same promotional benefits.

It appears from the record that his promotion to the post of Bhumi Sahayak-

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Grade-I was issued on 25th June, 2001 with effect from 01.7.1987. Such effect was not given to this applicant though some juniors have already given. In short, the applicant prays for such financial benefit, as given to others with effect from 1st July, 1987 till 9th December, 1996.

In response to the submissions of the applicant, learned Departmental representative submits that the primary reason at the time of issuance of such order, the applicant was not a Bhumi Sahayak; he was a Revenue Inspector. He had left the cadre of Bhumi Sahayak and joined the cadre of Revenue Inspector by fresh appointment.

In support of such submission, reference is made to an order dated 25th June, 2001, the relevant portion of which is as under :-

"...C.A. benefit and Grade-I post of Bhumi Sahayak may not be given together..."

Submission is that since the applicant had already availed CAS benefit in the year 1994, therefore, he was not entitled for Bhumi Sahayak, Grade-I benefits under Bhumi Sahayak Grade-I.

A correspondence dated 6.3.2013 was made by the District Land & Land Reforms Officer, South 24-Parganas, Alipore to the Director of Land Records & Surveys and Land Reforms Commissioner, the relevant portion of which is as under :-

".....Now on examination of the Office records, it transpires that Sri Naskar is entitled to get his promotion as Grade-I B.S. w.e.f. 1.7.1987 AS HIS junior colleague Sri Kumar Mondal got his promotion w.e.f. 01.7.87 is as Grade-I, Vide memo no. 143/4122-139/B-I/98, dt. 25.6.2001 of the D.L.R. & S and Jt. L.R.C., W.B.

Hence, the prayer of Sri Balaram Naskar for the said promotion may be considered..."

Having examined and being satisfied the issue raised in the letter of the D.L.R.O. dated 6.03.2013, the Director of Land Records & Surveys and Land

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Reforms Commissioner took up this matter with the department in his letter dated 3rd April, 2017. The relevant portion of which is as under :-

“...With the reference cited above, this is to inform that the name of Shri Balaram Naskar (Ex-R.I), formerly B.S. now retired, had inadvertently been omitted from the gradation list of Bhumi Sahayak on 01.03.2011 which was not referred for a long time. However the name of Sri Naskar, is deemed to have been included at SL 141/1 in the gradation list of Bhumi Sahayak in the ISU as on 01.03.2011.

2. Had the name of Shri Naskar been included in the gradation list of Bhumi Sahayak on 01.03.2011 he would have got promotion to the post of Bhumi Sahayak, Grade-I w.e.f. 01.07.1987 as his junior colleague, belonging to SC Category, got promotion to the post of Bhumi Sahayak Grde-I w.e.f. 01.07.1987.

3. He is therefore requested to issue necessary instruction on whether Shri Balaram Naskar, formerly B.S., may be promoted to the post of B.S. Grade-I w.e.f. 01.07.1987 after such a distant period....”.

Besides absence of merit in this application, the learned Departmental representatives also submits that this application is not admissible in this Tribunal on the ground of limitation due to the fact that the prayer of this application was filed in 2019 challenging an order of the respondent passed on 25th June, 2001, which is after 18 years. This is barred by limitation.

Let this point of limitation be addressed with submission and justification from the applicant's side on the next date.

Let the matter appear under the heading “Hearing” on 12th October, 2023.

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

Sk.