

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present- *

The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson & Member (A)

Case No. – OA-359 of 2024

Nivarani Jana (Kamila) -- **VERSUS** – The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant : Mr. A. Chakraborty, Ld. Advocate.

For the State Respondent : Mrs. S. Agarwal, Ld. Advocate.

02
05.11.2024

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.

The applicant was promoted to the post of Senior Nurse Grade I(II) by an order dated 01.10.2010. The applicant's name appearing at Sl. No. 76 was required to join Bedrabad BPHC, Malda as Senior PHN, Gr-I(II) within 45 days from the date of issue of the order.

Mr. Chakraborty, learned counsel submits that due to medical reasons, the applicant was not able to join her new place of posting within the stipulated time of 45 days. Further, as submitted by the counsel, the applicant had not received a copy of the order which was eventually known to her after a visit to the office of the Director of Health Services at a later date. As a result, she could join the new place of posting on promotion only on 20.08.2015. The seniority list published on 07.12.2023 records her name at Sl. No. 492 taking the basis of her joining the post of Gr. I(II) on 20.08.2015. The argument presented by Mr. Chakraborty is that had her representations been considered earlier, then her seniority would have been higher to the present one.

Appearing on behalf of the State respondents, Mrs. Agarwal has argued that it is not disputed by the applicant's side that she failed to join her new place of posting within the 45 days time. By filing representations for relaxation of such joining time, she cannot expect her seniority to be elevated. The seniority list prepared by the respondent authority is strictly on the basis of length of service and date of joining the post on promotion. Mrs. Agarwal wishes to file a detailed reply on behalf of the State respondents. Let such reply be filed and copy be served upon the other side and let the matter appear under the heading "**Reply/Rejoinder**" on **11.03.2025**.

CSM

SAYEED AHMED BABA
Officiating Chairperson & Member (A)