

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

Case No. – OA 362 OF 2020

KANAI LAL DAS - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and
Date of order

06
17.08.2022

For the Applicant : Mr. Asok Kumar Das Sinha
Advocate
For the State Respondents : Mr. Goutam Pathak Banerjee
Advocate

The matter is taken up by the single Bench pursuant to the order contained in the Notification No. 496-WBAT/1E-08/2003 (Pt.-II) dated 4th August, 2022 issued in exercise of the powers conferred under section 6 (5) of the Administrative Tribunals Act, 1985.

It appears from the order dated 22nd July, 2022 passed by the learned Registrar that as despite service of notice none had appeared on behalf of the State respondents, Mr.G.P.Banerjee, learned advocate who normally appears on behalf of the state respondents was requested to appear on behalf of the said respondents. Today also Mr.Banerjee, appears on behalf of the State respondents. The learned Legal Remembrancer, West Bengal, is directed to regularise the appointment of Mr.Banerjee.

In the application, Mr.Kanai Lal Das, the applicant, has prayed for certain reliefs, the relevant portion of which is as under:

“ a) An order directing the respondents to promote the applicant from “Group - D” to “Group - C” with retrospective effect as early as possible.

b) An order directing the respondents to promote the applicant to the post of “L.D.C.” w.e.f. 2010 and also to

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promote the applicant as U.D.C. considering his seniority with all consequential service benefits.

c) An order directing the respondents to pay the service benefits with effect from 2010 as per order of Hon'ble Tribunal in O.A. No. 829/ 2010.....”

It is submitted by Mr.A.K.Das Sinha, learned advocate for the applicant that after being appointed as Chowkidhar (Group – D) staff on 26th July, 1991, the applicant improved his qualification and became eligible for being promoted to the post of “Group – C” in the year 1997. Grievance is though he had filed an application being OA-829 of 2010 with a prayer for promoting him from “Group - D” to “Group - C” and though the Tribunal by order dated 1st December, 2010 directed the Deputy Director of Agriculture (Administration) Purba Medinipore to consider his representation and to dispose of the same by passing a reasoned order, it has not been done. Submission is the case of the applicant may be considered for promotion with retrospective effect from the date when he enhanced his qualification. Though several representations were furnished praying for promotion, as evident from the application, those have not been considered. Aggrieved, the application has been filed.

Mr.G.P.Banerjee, learned advocate appearing on behalf of the State respondents submits that though the applicant has prayed for promoting him from “Group - D” to “Group - C” with retrospective effect, however, there is no statement in the application regarding his legal right for being entitled to such promotion.

ORDER SHEET

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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 regarding his promotion from “Group - D” to “Group - C” with retrospective effect before the Deputy Director of Agriculture, (Administration) Purba Medinipore, Tamluk, the respondent no. 4 within four weeks along with a copy of this order downloaded from the website of the Tribunal. If representation is filed within the time as stipulated, same shall be disposed of by the said respondent no. 4 by giving reply within eight weeks.

(SOUMITRA PAL)
CHAIRMAN

BLR