

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 411 of 2022**

**Pradip Kumar Saha -- VERSUS – The State of West Bengal & Ors.**

Serial No. and Date of order	For the Applicant	: Mr. A. Hati, Ld. Advocate.
	For the State respondent	: Mrs. S. Bandyopadhyay, Ld. Advocate.
<u>09</u> 05.12.2023	For the PSC, WB	: Mr. S. Bhattacharjee, Ld. Advocate.

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 counsels for the contesting parties, the case is taken up for consideration sitting singly.

The prayer in this application is for directing the respondent authorities to elevate the applicant to the post of Chief Engineer and subsequently Engineer-in-Chief by way of promotion with effect from 25.05.2017.

It appears from the submissions of learned counsels and records that the applicant was not considered for the post of Chief Engineer due to adverse ACRs for the previous five (05) years. The Department, by an order dated 29.06.2017, filled up the four (04) posts of Chief Engineer and the candidature of the applicant was not considered. Again, when these posts became vacant in 2022, the Department filled up the posts by other candidates on 07.05.2022. Again, the candidature of the applicant was not considered due to unsatisfactory evaluation reports of his ACRs for consecutive five years.

Since the prayer in this application is for the post of Chief Engineer with effect from 25.05.2017, the Tribunal is of the opinion that this application filed in 2022 is barred by limitation. The applicant is at liberty to file another application praying for condonation of delay in filing this application.

Let the matter appear under the heading “**Admission Hearing**” on **11.04.2024**.

SS

**SAYEED AHMED BABA**  
**Officiating Chairperson & Member (A)**