

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

**HON'BLE JUSTICE SOUMITRA PAL,
HON'BLE SAYEED AHMED BABA,**

**HON'BLE CHAIRMAN &
ADMINISTRATIVE MEMBER.**

Case No. – OA 439 of 2020.

ARINDAM JANA–VERSUS- THE STATE OF WEST BENGAL & ORS.

Serial No. and
Date of order

For the Applicant : Mr. D. Kundu,
Mr. S. S. Ray,
Advocates.

8
3.12.2021.

For the State
Respondents : Mr. M.N. Roy,
Advocate.

In this application Arindam Jana, the applicant has prayed for certain reliefs, the relevant portion of which is as under :-

“a) To pass an appropriate order directing the respondent authority to show cause as to why the appointment of the applicant should not be consider as per recommendation of the respondent No.4;

b) To pass a mandatory order directing the respondent authority to absorbed the applicant to the post of Staff Officer-cum-Instructor immediately as he has tender his service more than 22 years;.....”.

It appears the applicant, a volunteer of Civil Defence, Kolkata was engaged and is working since February, 1996. Thereafter, pursuant to his representation, by memo dated 15th July, 2013, the ADGP & Director of Civil Defence, West Bengal had requested the Secretary, Department of Disaster Management and Civil Defence, - the respondent no. 2(i), to consider the case of appointment of the applicant in any post suitable for Group B, C and D. Thereafter, on 5th February, 2020, the Assistant Secretary, Department of Disaster Management & Civil Defence (Civil Defence Wing), Kolkata had forwarded the application of the applicant to the Director of Civil Defence for appointment to the post of Staff Officer Instructor in Civil Defence

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wing. The grievance of the applicant is though he has served the State for number of years, he is yet to be appointed.

Mr. D. Kundu, learned advocate for the applicant submits that in view of the prayer made, the respondents may be directed to consider the case of the applicant.

Mr. M.N. Roy, learned advocate appearing on behalf of the State respondents submits that it is evident from the memo, being annexure 'B' of the application, that the applicant was deployed as driver for driving vehicle considering the exigency of the situation and he is engaged not on regular basis. It is further submitted that recently the case of the applicant was considered by the respondents and Assistant Secretary has intimated the Director of Civil Defence, West Bengal that there is no provision for absorption from CDVs in the present Recruitment Rules except direct recruitment. Moreover, it has been mentioned that the applicant has also moved before the West Bengal Administrative Tribunal. Let a copy of the said intimation being 72A-CD by the Assistant Secretary to the Government of West Bengal to the Director General of Civil Defence, West Bengal be kept on record.

In reply it is submitted on behalf of the applicant that since he has been engaged for years and is not being absorbed, appropriate order may be passed for absorption.

Having heard the learned advocates for the parties, the application is disposed of by granting liberty to the applicant to file a representation ventilating his grievances along with a copy of this order downloaded from the website of the Tribunal before the Secretary, Department of Disaster Management and Civil Defence, Government of West Bengal, - the respondent no. 2(i) within eight weeks from the date

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of obtaining a copy of this order downloaded from the website of the Tribunal. If representation is filed, same shall be disposed of by the said respondent no. 2(i) by passing a reasoned order to be communicated to the applicant within fifteen weeks after giving an opportunity of hearing and after verifying the records without being influenced by the intimation No. 72-A –CD issued by the Assistant Secretary to the Government of West Bengal to the Director General of Civil Defence, West Bengal.

(SAYEED AHMED BABA)
MEMBER (A).

(SOUMITRA PAL)
CHAIRMAN.

Sk.