

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

Case No. – O.A. 442 of 2022

ABHIK DAS & ORS. – VERSUS- THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	: Mr. Dibyendra Narayan Ray, Mr. Biswarup Nandy, Advocates
<u>3</u> 21.07.2022	For the Respondents	: Mr. Gautam Pathak Banerjee, Advocate

The matter is taken up by the single Bench pursuant to the order contained in the Notification No.118-WBAT/1E-08/2003 (Pt.-II) dated 11th February, 2022 issued in exercise of the powers conferred under section 6(5) of the Administrative Tribunals Act, 1985.

In this application, the applicants, who are Station Officers in the Department of Fire and Emergency Services of Government of West Bengal, - have prayed for certain reliefs, the relevant portion of which is as under:

- a) An order do issue holding / declaring thereby that the impugned Notification being Memo. No. 608/FES-11021(11)/12/2019 Dated 24.06.2022, issued by the Additional Chief Secretary, Government of West Bengal, Department of Fire and Emergency Services, shall not operate as a bar to grant promotion to the applicants to the post of Divisional Fire Officers as the applicants fulfilled the eligibility conditions for promotion prior to 24.06.2022.
- b) An order do issue directing thereby the concerned respondent authorities to immediately promote the applicants to the post of Divisional Fire Officers in the existing vacant posts, on the basis of the Gradation List as each of the applicants have fulfilled their eligibility

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for being promoted to the post of Divisional Fire Officer prior to 24.06.2022, being the date of introduction of Memo. No. 608/FES-11021(11)/12/2019.”

Referring to the notification dated 24th June, 2022, it is submitted by Mr. Dibyendra Narayan Ray, learned advocate for the applicant that since the applicants have been Station Officers for a period of five years and as they have accrued a right to be promoted to the post of Divisional Fire Officers and filling up of vacancies would encroach upon the rights of the applicants, interim order, as prayed for, may be passed.

SCN.

Opposing the prayer for interim order, Mr. Gautam Pathak Banerjee, learned advocate for the State respondents, referring to the West Bengal Fire Services Rules, 1977, particularly Rule 3(a), submits as the Rule provides for selection by direct recruitment or by promotion from the post of Station Officer with five years continuous service, no interim order may be passed.

In reply it is submitted on behalf of the applicants that since in the past direct recruitment was not resorted to, interim order may be passed.

The matter is admitted. Let reply be filed by 9th September, 2022. Rejoinder, if any, by 23rd September, 2022. Matter to appear under the heading “Reply, Rejoinder and Objection” on 26th September, 2022.

So far as the prayer for interim order is concerned, since in Rule 3(a) it has been stipulated that “the method of recruitment to be adopted on any particular occasion shall be decided by the Government in consultation with the Commission”, interim order is refused.

(SOUMITRA PAL)
CHAIRMAN