

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

THE HON'BLE SAYEED AHMED BABA, OFFICIATING CHAIRPERSON AND ADMINISTRATIVE MEMBER,

Case No. – OA 458 OF 2023

ARNAB MALLICK - Vs - THE STATE OF WEST BENGAL & OTHERS.

Serial No. and
Date of order

For the Applicant : Mr.K.Bera
Advocate

01
07.08.2023

For the State Respondents : Mr.Ranjit Kumar Mondal
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 23rd 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.

Affidavit of service filed today be kept on record.

The applicant has prayed for a direction to restrain the respondent authorities from granting promotion in favour of the respondent No.4. The reason for such prayer is that the said respondent No.4 does not have the required qualifications.

In response to the above prayer, Mr.R.K.Mondal, learned counsel for the State respondent submits that this application is not admissible which prays for restraining the respondent from an action not yet taken. In this case, the respondent No. 4, Smt. Sikha Das has not been given any such promotion.

The next prayer of the applicant is for a direction to grant promotion in favour of the applicant to the post of Lower Division Assistant / Clerk.

In response, Mr.Mondal submits that promotion to a particular

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post is governed by laid down rules and guidelines. If the applicant is found to be eligible at the time such a decision is taken, the applicant shall surely be promoted.

In view of the fact that no action has been taken by the respondent with regard to the first prayer, the Tribunal does not see any reason why the respondent should be directed to take a particular decision. Similarly, since the applicant has not yet been promoted and as submitted, no junior to him has also been promoted, the Tribunal does not find any reason to direct the respondent to promote the applicant at this stage.

Therefore, finding no merit in the prayers, this application is disposed of without any orders.

(SAYEED AHMED BABA)
OFFICIATING CHAIRPERSON AND MEMBER (A)

BLR