

**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 465 of 2022**

**RUPLAL BHOWMICK - Vs - THE STATE OF WEST BENGAL & OTHERS.**

Serial No. and  
Date of order

For the Applicant : Mrs. B.Sarbajna  
Advocate

07  
10.07.2023

For the State respondents : Mr.Manujendra Narayan Roy  
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 of the applicant in this application is for a direction to the respondent authorities to promote him from the post of Group-D to Group-C and grant all consequential benefits. The applicant who had superannuated in the year 2020 worked as a Group-D staff in E.S.I. Hospital, Kamarhati. As submitted, despite being at serial No. 5 in the seniority list, except him, all others were promoted to different posts in Group-C category. As it appears from a Memo. No. 837 dated 25.03.2015, the Joint Director (Administration) had asked the Deputy Director to send the Open Performance Report in respect of 9 Group-D employees for consideration to the post of Group-C. In this list of 9 employees, the name of the applicant appears at serial No.5. Since such promotion was not being considered, the applicant has been furnishing representations to the Director, E.S.I. (MB) Scheme. One such representation in this application is dated 19.12.2019.

After hearing the submissions of the learned counsels, this

**ORDER SHEET**

Form No.

**RUPLAL BHOWMICK**

Vs.

Case No **OA 465 of 2022**

**THE STATE OF WEST BENGAL & OTHERS.**

---

application is disposed of by directing the respondent No. 2 (ii), the Director, E.S.I. (MB) Scheme to consider the applicant's prayer for promotion from Group-D to Group-C in accordance with rules and eligibility by passing a speaking order within a period of three months from the date of communication of this order and communicate the decision to the applicant within a period of two weeks thereafter.

It is however, made clear that I have not gone into the merits of the matter and all points are kept open for the respondent No. 2(ii) to interpret.

Accordingly, the application is disposed of.

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

BLR