

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

Case No. – OA 489 OF 2022

SUSANTA GHOSAL & ANOTHER - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order : For the Applicants : Mr. Goutam Pathak Banerjee
Mr.Manujendra Narayan Roy
Mr.Gourav Halder
Advocates

02
08.08.2022

For the State respondents : Mr. Sankha Ghosh
Advocate

The matter is taken up by the single Bench pursuant to the order contained in the Notification No. 496-WBAT/1E-08/2003 (Pt.-II) dated 4th August, 2022 issued in exercise of the powers conferred under section 6 (5) of the Administrative Tribunals Act, 1985.

In the application, Susanta Ghosal and Gopinath Mukherjee, the applicants, have prayed for certain reliefs, the relevant portion of which is as under:

“(a) An Order do issue directing the concerned respondent authorities to forthwith exclude the post of “Research Officer” in WBJAS cadre under the Directorate of Agriculture, Government of West Bengal from the feeder post for promotion to the post of “Publicity Officer (Information Technology)” Head Quarter, Agriculture Directorate with immediate effect and to command them to act strictly in accordance with law;

(b) An Order do issue directing the concerned respondent authorities to forthwith implement the recommendation of the 5th Pay Commission by extending the benefit of 10% of the post of WBAS earmarked for promotion amongst the WBJAS Officers of appropriate seniority and merit and further to consider the case of the applicants herein for promotion to the cadre of West Bengal Agricultural Service,

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West Bengal within a stipulated time period;

(c) A further Order do issue directing the concerned respondent authorities to consider and dispose of the representation of the applicant No.1 dated 20.08.2018 and 26.07.2022 in accordance with law and rules prevailing in this regard by passing a reasoned and speaking order, after giving an opportunity of personal hearing and to communicate the decision thereof within a stipulated time period;

(d) Leave may be granted to file and move the instant Original Application jointly as the applicants are similarly circumstanced;”

As prayed for by Mr.G.P.Banerjee, learned advocate for the applicant, leave granted in terms of prayer ‘d’ of the application.

In the application, the applicants, working as “Research Officer” in the cadre of WBJAS (Research) in the Agriculture Department as promotee officer, are aggrieved by the filling up of the post of Publicity Officer (IT) Head Quarters in view of the memo dated 29th June, 2022 wherein, according to them, the essential qualification, desirable qualification and experience have been created, as a result they have been made ineligible to be considered for the post of Publicity Officer (IT). It is submitted by Mr.Banerjee that as representation dated 25th July, 2022 has been filed by the applicant no. 1, being Annexure-F to the application, before the Director of Agriculture & Ex-Officio Secretary, Government of West Bengal, the respondent no. 4, requesting to exclude the post of Research Officer in WBJAS cadre under the Directorate of

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Agriculture, Government of West Bengal from the feeder post for promotion to the rank of Publicity Officer (IT) Head Quarter Agriculture Directorate and to open the promotional avenue of WBJAS cadre by implementing the recommendation of 5th Pay Commission by extending the benefits of 10% reservation of the post of WBAS earmarked for promotion amongst the WBJAS officer of appropriate seniority as well as merit, submission is it may be directed to be considered and till it is considered the memo. be not implemented by the State respondents in respect of the feeder post for Research Officer.

Mr.S.Ghosh, learned advocate appearing on behalf of the State respondents submits that though he does not oppose the prayer for consideration of the representation dated 25th July, 2022 by the respondents, however, he is opposing the prayer for grant of interim order.

Having heard the learned advocates for the parties and considering the facts and circumstances of the case and as prayed for on behalf of the applicants, the application is disposed of by directing the Principal Secretary to the Government of West Bengal, Department of Agriculture, Howrah, the respondent no. 2, to dispose of the representation dated 25th July, 2022 addressed to the Director of Agriculture and Ex-Officio Secretary, Government of West Bengal, the respondent no.4, by passing a reasoned order to be communicated to the parties within three weeks from the date of presentation of a copy of this order downloaded from the website of the Tribunal after giving an opportunity of hearing to the applicant no. 1 and after verifying the records.

(SOUMITRA PAL)
CHAIRMAN

BLR