

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Hon'ble Chairman.

Case No. – OA 493 of 2018.

SRI SANAT KUMAR SINGH- VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	: Mrs. S. Agarwal, Advocate.
<u>10</u> 10.02.2021	For the State Respondents	: Mr.G.P. Banerjee, Advocate.

The matter is taken up by the single Bench pursuant to the Notification No. 949-WBAT/2J-15/2016 dated 24th December, 2020 issued in exercise of the powers conferred under sub section (6) of section 5 of the Administrative Tribunals Act, 1985.

In this application, Sanat Kumar Singh, the applicant has prayed for a direction upon the Director of Health Services, Government of West Bengal and the Joint Director (Personnel), Directorate of Health Services, Government of West Bengal – the respondent no.2 and 3 respectively, to promote him to the to the post of Lower Division Clerk (Regional) and to release all consequential benefits including the fixation of pay and arrear salary with effect from 2013. It appears the matter was filed on 29th June, 2018. Copies of the application were served to the respondents on 31st July, 2018. Though directions were issued upon the respondents to file reply, no reply has been filed.

Mrs. S. Agarwal, learned advocate for the applicant submits that since the applicant was entitled to be promoted to the post of Lower Division Clerk (Regional), as it was not done, appropriate order may be passed granting notional benefits to the applicant who had superannuated in January, 2019. Submission is directions may be issued on the respondents, particularly on the respondent no.3, to consider the

ORDER SHEET

Form No.

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representation ventilating his grievances, being annexure “G” to the application.

Mr.G.P. Banerjee, learned advocate for the State respondent submits that since the applicant had filed the application in June, 2018 and had superannuated in January, 2019, no order may be passed as there is no scope for granting notional benefits.

On a query, Mrs. Agarwal submits that the applicant is yet to receive the superannuation dues, which is disputed by Mr. Banerjee.

Heard learned advocates for the parties. Since the applicant has superannuated in January, 2019, direction for granting promotion does not arise. The question of granting even notional benefits regarding promotion cannot be considered as the application was filed hardly six months before the superannuation of the applicant. However, as it is submitted on behalf of the applicant that superannuation dues are yet to be disbursed, considering the facts and circumstances of the case the application is disposed of by directing the Chief Medical Officer of Health, Bankura, – the respondent no. 4, to disburse the superannuation benefits, if not already granted, within twelve weeks from the date of presentation of a copy of this order downloaded from the internet/website, after compliance of formalities, if any, by the applicant.

(SOUMITRA PAL)
CHAIRMAN.

Sk.