

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson & Member (A)

Case No. – OA- 493 of 2023

Amitava Banerjee -- VERSUS – The State of West Bengal & Ors.

Serial No. and Date of order <u>03</u> 29.08.2024	For the Applicant	: Mr. R. Malakar, Ld. Advocate.
	For the State Respondent	: Mr. G. Halder, Ld. Advocate.
	For the Pr.AG (A&E), WB	: Mr. B. Mitra, Ld. Depttl. Rep.

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.

Mr. Malakar wishes to file a copy of the final gradation list. From the submissions heard and the records perused, the Tribunal observes the following :

Though the applicant has prayed for granting notional promotion as per the gradation list but nowhere has he pointed out why his promotion was not according to the gradation list. In fact, during the last hearing, the Tribunal had remarked that the copy of the gradation list filed with this application by the applicant is only the draft gradation list and not the final gradation list. The Tribunal also observes that neither the draft nor the final gradation list is being assailed by the applicant. In fact, he appears to have no grievance regarding his position either in the draft or in the final gradation list. From such observation, the Tribunal has to find out whether the applicant's promotion was according to the final gradation list or not. The Tribunal further records that neither at the time of publication of the draft gradation list nor at the time when he received his PPO, he protested. He appears to be fully satisfied with his position in the gradation list as well as the amount of pension he received in his PPO after his superannuation. However, in WPST 129 of 2022, he appears to have expressed his grievance before the Hon'ble High Court that his promotion was denied rather the juniors in the draft gradation list were given promotion. Since Mr. Malakar is not able to submit further on behalf of the applicant, let the matter appear under the heading "**For Orders**" on **12.03.2025**.

SAYEED AHMED BABA
Officiating Chairperson & Member (A)

CSM/SS