

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 494 of 2024**

**Susmita Mallik - Vs - The State of West Bengal & Ors.**

Serial No. and  
Date of order

02  
25.02.2025

For the Applicant : Mr. A. Jha,  
Learned Advocate.

For the State : Mrs. S. Mitra,  
Respondents Learned 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.

By filing this application, the applicant has prayed for a direction to the Respondent authority to include her name in the final seniority list of Grade I(ii) Nursing Officers of WBNS Cadre. The Director of Health Services (Nursing) had published a final seniority list on 07.12.2023 having the names of total 849 employees. The name of the applicant Susmita Mallik does not feature in this list.

Mr. A. Jha, learned counsel appearing on behalf of the petitioner draws my attention to the provisional seniority list of Gr I (II) Nursing Officers of WBNS Cadre published on 02.6.2023 in which the name of the applicant, Susmita Mallik appears at serial No. 474.

It is obvious to the Tribunal that though the name of the applicant is included in the provisional seniority list

issued by the Joint Director of Health Services (Nursing) on 02.06.2023, but after six months when it published the final promotional list on 07.12.2023, her name was excluded. The Tribunal also finds that the applicant after finding her name excluded from the final seniority list, furnished a representation on 25.06.2024 before the Joint Director of Health Services along with the relevant documents in support of her claim. It appears that neither her name was included in the final seniority list nor any reason given by the Respondent authorities to her as to the reason why her name was excluded.

Mrs. Mitra, learned counsel presents a copy of statement signed by the JHt. Director of Health and submits that as admitted by the respondent authority, the name of the applicant was inadvertently left out from the panel of seniority list. Further, admitting such mistake, now the name of the applicant has been added in the final seniority list and Sl. No. 473 (A) has been assigned. The relevant para of the statement described above is as under.

- a) "Therefore, it may be clarified that the employees featuring in Sl. Nos. 10-148 of the impugned Promotional List, had actually secured earlier/better positions in the Final Seniority List, as the last candidate in the said Promotional List has Sl. No. 454 at Final Seniority List. Whereas the applicant/petitioner is entitled to be included

in the Final Seniority List, against Sl. No. 473A, to be done in due course & which is already under process. As her Serial at Seniority List (i.e. Sl. No. 473A) is much later than the last candidate of the Promotional List (who had sl. No. 454 in the Final Seniority List), she can no way, be included in the current Promotional List, published on 12-11-2024.”

From the above statement the Tribunal has become clear that the prayer of the applicant for considering her name in the Final Seniority List has been considered. Therefore, the primary prayer in this application has become infructuous. The application is disposed of.

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

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