

**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 506 OF 2024**

**SUMIT GOBINDA CHOUDHURY & ORS. - Vs - THE STATE OF WEST BENGAL & OTHERS.**

Serial No. and  
Date of order

03  
28.02.2025

For the Applicants : Mr.R.Khan  
Advocate

For the Respondent No. 1 : Mr. Sankha Ghosh  
Advocate

For the Respondent No. 2 & : Mr. Goutam Pathak Banerjee  
3 Advocate

For the Respondent No. 5, 8 : Mr.Sourav Bhattacharjee  
& 9 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 following errors noted in the order dated 06.02.2025 be corrected as follows:

Name	Respondent No.
1. Sangay Darjee Bhutia, Chief Comptroller of Finance, Gorkhaland Territorial Administration Lakothi Complex, Darjeeling PIN: 734 101.	4
2. Gopal Roy, Finance Advisor, Power Department, Bidyut Unnayan Bhavan, 3/C, LA Block, 5 <sup>th</sup> & 6 <sup>th</sup> floor, Sector – III, Salt Lake City, Kolkata -700 091.	5

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3. Sri Arkadeb Bhaduri, Controller of Municipal Finance & Accounts, Kolkata Municipal Corporation, 5, S.N. Banerjee Road, Kolkata – 700 013.	6
4. Quazi Fazlul Hasan, Retired, Ex-Financial Advisor, Fire & Emergency Services Department, Bikash Bhavan, 2 <sup>nd</sup> Floor, South Block, Sector I, Salt Lake, Kolkata – 700091.	7
5. Sri Nirmalendu Mahapatra, Finance Advisor, Social Welfare, Women & Child Development Department, Bikash Bhawan, 10 <sup>th</sup> Floor, DF Block, Sector – I, Kolkata – 700 091.	8
6. Sri Babulal Hembram, Financial Advisor, Backward Classes Welfare Department, Administrative Building, 4 <sup>th</sup> & 5 <sup>th</sup> Floor, DJ-4 Block, Sector – II, Bidhannagar, Kolkata 700 091.	9

From the submissions made by Mr.R.Khan, learned counsel, it has become obvious that the primary prayer in this application is prayer (b) which is for a direction to the respondent authorities to publish the seniority rules of the unified cadre of WBA&AS post-merger keeping the direct officers of 1999 batch above the mergerist officers who came into WBA&AS in 2001.

Further, the Tribunal's observation is that unless the inter se seniority of two cadres of the officers are published and a combined gradation list is made available, prayer (c) which is for issue of a fresh

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notification inviting the applicants to submit applications to the IAS Nominations; prayer (d) Pay protection of direct officers of 1999; prayer (e) Undue promotion given in the scale of Additional Secretary to Mergerist officers & Prayer (f) Direction for giving direct officers of 1999 batch for selection to the post of Joint Secretary in the Scale No. 19 and ROPA 2019 etc. are the issues which can only be covered after prayer (b) is finalised.

Mr.S.Bhattacharjee, learned counsel appearing on behalf of the respondent No. 5, 8 and 9 disputes the claim made by the applicant that they belong to 1999 batch when their date of appointment was made in the month of May, 2001 onwards. The notional merger came into effect on 01.03.2001 prior to the appointment and joining of these applicants in the service.

Since. similar matter has been listed to be heard on 10.06.2025, let this matter also be heard on 10<sup>th</sup> June, 2025 under the heading 'Hearing'.

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

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