

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 515 of 2022

NOOR MOHAMMAD - Vs - THE STATE OF WEST BENGAL & OTHERS.

Serial No. and
Date of order

09
09.08.2023

For the Applicant : Mr. G. Halder,
Ld. Advocate.

For the Respondents No. 1, : Ms. Ruma Sarkar
2, 3 and 4 : Mr. Sourav Debray
Mrs. A. Bhattacharya
Mr. R. Bag,
(Departmental Representatives)

For the Added Respondent : Mr. S. Ghosh,
Ld. 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.

On consent of the learned counsels and the Departmental representatives for the contesting parties, the case is taken up for consideration sitting singly.

The prayer in this application is for a direction to the respondent authorities to grant promotion to the applicant in the cadre of WBCS (Exe.) and re-fix his seniority and disburse his pay upon fixation together with arrears.

Ms. R. Sarkar, learned departmental representative files a copy of the correspondence and submits that as evident from the declaration by the applicant on 11.04.2023, he has not opted for appointment to WBCS (Exe.). Similar indication can also be seen from serial No. 35 from the set of papers in which it appears Noor Mohammed, HRMS ID. 1992000697 has been marked as 'No' under the column 'WILLING'. Thus, as submitted by Ms. R. Sarkar, it is clear that this application is infructuous because the applicant has now decided not to opt the WBCS

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(Exe.) cadre. Ms. Sarkar files a copy of Memo. No. 484 dated 11.05.2023 addressed by Additional District Magistrate (LA), Bankura enclosing a copy of the declaration by the applicant, Noor Mohammad dated 11.04.2023 declaring his unwillingness for appointment to WBCS (Exe.) cadre.

Submission of Mr. Ghosh and the learned Departmental Representatives is that since in view of the Option Form in which the applicant has expressed his unwillingness to opt for WBCS (Exe.) cadre, it is clear that the prayer has now become infructuous. This view is also endorsed by Mr. Halder, learned advocate appearing on behalf of the applicant.

In view of the above fact that the applicant has opted 'NO' to WBCS (Exe.) cadre, the Tribunal finds that the prayer in this application is no more relevant and has become infructuous.

Accordingly, the application is **disposed of**.

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

CSM/SS