

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

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

Case No. – OA 547 of 2019.

SHRI SHIBAMOY DEY- VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	: Mr. G.P. Banerjee, Advocate.
<u>7</u> 18.01.2021	For the State Respondent	: Mr.S. Bhattacharjee , 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.

It is submitted by Mr. G.P. Banerjee and Mr. S. Bhattacharjee, learned advocate for the applicant and the State respondent that the matter may be taken up by the single Bench.

In this application Shibamoy Dey, the applicant has prayed for several reliefs, the relevant portion of which is as under :-

“ a) A direction do issue upon the concerned respondent authorities to forthwith consider and grant promotion to the applicant to the post of ‘Assistant Director (Inspection and Quality Control)’ with retrospective effect from 01.02.2019, i.e., the date of accruing his eligibility to the said post of “Assistant Director” keeping pace with the vacancy so occurred as well as to grant all consequential benefits thereto and to command them to act in accordance with law;....”

It appears that the applicant had joined on 6th March, 2009 as Supervisor under the Directorate of Inspection and Quality Control, Food and Supplies Department, Government of West Bengal on the basis of recommendation by the Public Service Commission, West Bengal. According to him, there is a chance of promotion, as out of the two sanctioned posts of Assistant Director,

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under the Directorate of Inspection and Quality Control, under the Food and Supplies Department, one post of Assistant Director is lying vacant from 01st February, 2019. According to the applicant as he has successfully completed training course on “Scientific Method of Storage and Inspection of Food Grains” in the first division from Indian Grain Storage Management & Research Institute in the year 2012, he has filed a representation dated 15th February, 2019 before the Deputy Secretary (Establishment), Government of West Bengal, – the respondent no.3, praying for promotion to the post of Assistant Director under the Directorate of Inspection & Quality Control, Food and Supplies Department, Government of West Bengal. I find that the said representation was forwarded by the Deputy Director, Inspection and Quality Control to the Deputy Secretary (Establishment), Department of Food and Supplies, Government of West Bengal – the respondent no. 3 through proper channel by intimation dated 25th February, 2019, which is pending consideration. It appears thereafter the applicant had filed a further representation dated 5th March, 2019 before the Joint Secretary, Department of Food and Supplies, Government of West Bengal – respondent no. 2, which is pending.

Mr. G.P. Banerjee, learned advocate for the applicant submits that as inspite of direction, no reply has been filed by the State respondents and since the representations are pending, direction may be issued upon the Principal Secretary, Department of Food and Supplies, now re-designated as Secretary, Department of Food and Supplies Department – the respondent no. 1, the competent authority, to consider the same.

Mr. S. Bhattacharjee, learned advocate on behalf of the State respondents submits, if directed, the State respondents will

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consider the said representation in accordance with law.

Having heard the learned advocates for the parties and considering the facts and circumstances of the case, the original application is disposed of by directing the Principal Secretary, Department of Food and Supplies, Government of West Bengal, now re-designated as Secretary, Department of Food and Supplies, Government of West Bengal, – the respondent no. 1, to dispose of the representations dated 5th February, 2019 and 5th March, 2019 appearing at pages 42 and 44 of the application, by passing a reasoned order to be communicated to the parties within ten weeks from the date of presentation of a copy of this order, downloaded from the internet/website, after giving an opportunity of hearing and after verifying the records.

Since for circumstances beyond control, the Registry is unable to furnish plain copies of this order to the learned advocates for the parties, the Registry is directed to upload this order on the website of the Tribunal forthwith and parties are directed to act on the copies of the order downloaded from the website.

(SOUMITRA PAL)
CHAIRMAN

Sk.