

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-571 of 2023

Subodh Chandra Mallick -- **VERSUS** – The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant : Ms. A.P. Banerjee,
Ld. Advocate.

For the State Respondent : Mr. S. Ghosh,
Nos. 2,3 & 5 Ld. Advocate.

03
22.02.2024

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 for the contesting parties, the case is taken up for consideration sitting singly.

The prayer in this application is for consideration of his representation which is regarding regularisation of his salary and other service benefits treating his notional date of appointment – 2011 and not the date of his joining on 03/03/2016.

It is a fact that for the same cause, the applicant had filed an application before this Tribunal, being OA 20 of 2018. By an order of this Tribunal dated 16.01.2019, the application was disposed of with the following observation:

“The delay in issuance of the appointment letter in favour of the applicant after his selection by Public Service Commission, West Bengal cannot be attributed to the conduct of the state respondents. The applicant is responsible for the delay by not producing the certificate of registration for Citizenship of India before the Intelligence Branch, Government of West Bengal. It is well settled that the benefit of service can never be granted in favour of any Government employee before his joining in the service. So, the claim of the applicant for granting benefit of service from the date of his selection by Public Service Commission, West Bengal till the date of his actual appointment in the year 2016 is totally misconceived and is not justified under the law. We do not find any illegality or arbitrariness in the impugned order communicated to the applicant by the Assistant Secretary to the Government of West Bengal, Department of Agriculture on November 14, 2017 (Annexure-Q to the original application).

In view of our above findings, we do not find any merit in the present application. As a result, the original application is dismissed.”

Aggrieved by such order of the Tribunal, the applicant had moved the Hon'ble High Court at Calcutta and in WPST 32 of 2019. The Hon'ble Court

ORDER SHEET

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observed that *“the Tribunal, very rightly, has held that the petitioner’s delayed appointment cannot be attributed to the conduct of the respondents and that his claim for service benefits in respect of a period prior to joining service, is misconceived.*

We find no reason to interfere and, accordingly, the writ petition stands dismissed.”

From the above foregoing paragraphs, it is clear that for the same cause, the applicant had filed an application before this Tribunal which was heard and disposed. The Hon’ble High Court at Calcutta had also upheld the order of the Tribunal. Since the same prayer was earlier filed, heard and disposed of by this Tribunal, no re-hearing and fresh order is needed to be passed.

Accordingly, this application is **disposed of** without passing any order.

CSM

SAYEED AHMED BABA
Officiating Chairperson & Member (A)