

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 - 585 of 2024

Paritosh Mridha- Vs - The State of West Bengal & Ors.

Serial No. and
Date of order

01
29.11.2024

For the Applicant : Mr. Amales Ray,
Mrs. M. Bhowal,
Learned Advocates.

For the State
Respondents (2) : Mr. M.N. Roy,
Learned Advocate.

For the State : Mrs. Sunita Agarwal,
Learned Advocate.
1,3,4, 5, 6, 7 & 8

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.

Affidavit of service filed, be kept with the record.

The prayer in this application is for setting aside the Notification No. 179 dated 18.7.2022, Notification No. 276 dated 11.10.2022 and Notification No. 609 dated 30.10.2024 issued by the Department of Urban Development and Municipal Affairs. The prayer also for a direction to the respondent authorities to promote the applicant to the post of Addl. Chief Engineer under Municipal Engineering Directorate.

Appearing on behalf of the applicant, Mr. Ray, learned counsel has submitted the following :-

1. The four posts of Addl. Chief Engineer were declared vacant in following categories 14 (UR), 15 (SC), 16 (UR) and 17 (UR) as per 50

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point roster.

2. Mr. Chittaranjan Barman, a SC category candidate was promoted to the post of Addl. Chief Engineer against the UR vacancy.
3. The 15th vacancy as shown above was filled up by Samarendra Nath Das belonging to SC category.
4. The next vacancy was filled up by Kingsuk Roy (UR) against the 16th vacancy reserved for UR candidate.

Submission of Mr. Ray is that the applicant belonging to the SC category placed at the 19th post should have been given higher grade in place of Samarendra Nath Das in terms of Rule 10 of West Bengal SC & ST Reservation of vacancy of Service Rules. Mr. Ray also pointed out that Sajal Kumar Sarkar who is junior to the applicant and belonging to the same SC category superseded him and was promoted in the post of Addl. Chief Engineer. Apprehension of the applicant after supersession by Sajal Kr. Sarkar, is that in future promotions also, he will be superseded by his junior to fill up the three vacancies.

Having heard the submissions of the applicant's side Mrs. Agarwal wishes to take instructions and, if necessary, file a report/reply on behalf of the respondent's Administrative Deptt. Mr. Ray has prayed for interim order directing the respondents not to fill up vacant posts in future again by superseding the applicant. The Tribunal is of the view that since the matter is admitted today,

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such prayer for interim order will also be heard on the next date of hearing.

Let reply/report specifically covering the points why Sajal Kr. Sarkar who is junior to the applicant after superseding him was promoted to the post of Addl. Chief Engineer.

Let the matter appear under the heading **Hearing on 28.01.2025.**

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

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