

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present : **HON'BLE JUSTICE SOUMITRA PAL,** **HON'BLE CHAIRMAN.**

Case No. – OA 598 of 2019.

SARADINDU BISWAS–VS-THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	: Mr. M. Karim, Advocate.
	For the State Respondents	: Mr. S. Bhattacharjee, Advocate.

9
12.7.2022

The matter is taken up by the single Bench pursuant to the order contained in the Notification No. 118-WBAT/1E-08/2003 (Pt.-II) dated 11th February, 2022 issued in exercise of the powers conferred under section 6 (5) of the Administrative Tribunals Act, 1985.

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

“i) An order do issue directing to the concerned appointing authority will take step to expedite the process for the publication of final & combined Gradation list (Assistant Engineer to Superintending Engineer) before issuance of any further Order or orders regarding the promotion to the post of Superintending Engineer (Mechanical & Electrical) under the respondent authorities without any further delay.

ii) An order do issue directing to the concerned respondents to fix up the seniority of the applicant and to issue promotional order or orders to the post of superintending Engineer (Mechanical & Electrical) in favour of the applicant on the basis of 50 point roster without any delay.

iii) An order do issue directing the respondents to publish the final & confirmed combined Gradation list as on today for Assistant Engineer to Executive/Chief Engineer after ensuring of applicant's seniority and position immediately...”.

It is submitted by Mr. M. Karim, learned advocate for the applicant that though the applicant has been promoted to the post of Superintending Engineer(Mechanical and Electrical) during the pendency of

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the Original application, however, as the respondents are yet to publish the final and combined gradation list for the post of Assistant Engineer to Superintending Engineer/ Chief Engineer, appropriate order may be passed for publication of the said list.

Mr. S. Bhattacharjee, learned advocate appearing on behalf of the State respondents referring to the notification dated 14th January, 2021 issued by the Joint Secretary to the Government of West Bengal submits that the applicant has been promoted to the post of Superintending Engineer (Mechanical and Electrical) by the Irrigation & Waterways Department pursuant to the said notification and he has joined on 20th January, 2021 without any protest. However, on a query, it is submitted that the final combined Gradation List (Assistant Engineer to Superintending Engineer) is yet to be published.

In reply, it is submitted on behalf of the applicant that the respondents may be directed to expedite the publication of gradation list of Assistant Engineer to Superintending Engineer/Chief Engineer, so that his client may know his position in the seniority list.

Heard learned advocates for the parties.

Though directions were issued for filing of reply and rejoinder, no reply has been filed on behalf of the State respondents. However, as admittedly the applicant has been promoted to the post of Superintending Engineer (Mechanical and Electrical) , North Bengal Mechanical & Electrical Circle pursuant to the notification dated 14th January, 2021 and he has joined without any protest, in my view the applicant has got the relief as per prayer (ii).

So far as publication of Gradation list - Assistant Engineer to Superintending Engineer /Chief Engineer is concerned , as prayed for by Mr. Karim, the Additional Chief Secretary, Department of Irrigation and

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Waterways Department, Kolkata, - the respondent no. 1, is directed to publish the gradation list for the post of Assistant Engineer to Superintending Engineer/Chief Engineer within six months from the date of presentation of a copy of this order and it shall be finalised within the said period after receiving objections, if any, from the engineers concerned, including the applicant if he is interested and thereafter it shall be finally published.

The application is disposed of.

(SOUMITRA PAL)
CHAIRMAN.

Skg.