

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- 602 of 2021

Vinod Kumar - Vs - The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant

:

Mr. M. Ganguly,
Learned Advocate.

14

05.09.2024.

For the State Respondents

Mr. M.N. Roy,
Learned 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.

The primary prayer in this application relates to the seniority of the applicant as a Sub-Inspector of Police under Kolkata Police. The disputed point is the Gradation List of the Sub-Inspectors published on 11.02.2013 in which the name of the applicant appears at Sl. No. 171. Submission of Mr. Ganguly, learned counsel is that the authorities have not followed the gradation guidelines as stipulated in the West Bengal Services (Determination of Seniority) Rules, 1981. The respondent authority finalised such gradation list only on the basis of Police Training Manual. This matter was earlier filed in OA-274 of 2020 and in terms of a direction, the respondent authorities passed a reasoned order dated 14.01.2021.

Referring to the observations initially made in the reasoned order, Mr. Roy has submitted that though he was placed at Sl. 3 of the list, but at a later stage it was revealed that he had not passed in the swimming test. However, he was given one more opportunity and allowed to take the test again. In the second round of swimming test, he qualified, but his seniority was downgraded from Sl. 3 to Sl. 171 for the reason that he could qualify and pass all the tests including swimming at

ORDER SHEET

Form No.

Vinod Kumar

Vs.

Case No **OA- 602 of 2021**

THE STATE OF WEST BENGAL & OTHERS.

a later stage, later to his batchmates.

Let further hearings be heard on **06.03.2025**.

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

sc