

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 631 of 2023

Bijan Mondal - Vs - THE STATE OF WEST BENGAL & OTHERS.

Serial No. and
Date of order

01
10.10.2023

For the Applicant : Mr. S. Agarwal,
Learned Advocates.
For the State Respondents : Mr. D. Kole,
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.

On consent of the learned counsels, the case is taken up for consideration sitting singly.

Affidavit of service filed be kept with the record.

The prayer in this application is for setting aside the impugned order dated 19.05.2023 which was passed in terms of this Tribunal's direction in OA-67 of 2023. In brief, the applicant was aggrieved with the respondent's decision to offer an employment under compassionate ground to the private respondent for the post of Group-C whereas the applicant was offered the post of Group-D.

Submitting on behalf of the applicant, Mrs. Agarwal states that though the applicant like the private respondent is a Graduate with knowledge of Computer typing but discriminated him by offering the post of Group-D.

Responding on behalf of the respondents, Mr. Kole submits that in his application for interview dated 25.10.2013, it was clearly mentioned that the applicant's qualification was Higher Secondary Examination passed. Therefore, based on such qualification as indicated

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by the applicant himself, his proposal was processed for the post of Group-D. Mr. Kole further submits that as stated in the reasoned order, the respondent authority uses his discrimination as per Clause 9 (a) of 251-Emp Notification to decide which applicant would be suitable for the appropriate post. The respondent authority after considering the applications of the candidates had decided to offer post of Group-C and Group-D as per the stipulation of the candidates and based on their qualifications and experience. There was nothing wrong if such a decision taken by the respondent authority and the applicant would have a grudge against the respondent authority which is because some other candidates were found more suitable for the post of Group-C.

After hearing the submissions of the learned counsels and examining the records, it is the finding of this Tribunal that the applicant's prayer has no merit for complaining that the private respondent was offered higher post than him. The Tribunal understood that the respondent authority has to properly assess the candidates before filling any vacant post. In this matter, it appears that the private respondent was found more suitable than the applicant and, thus, offered Group-C post. Thus, having no merit in this application, this application is disposed of without any orders.

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

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