

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 662 OF 2023

HIMANGSU HEMBRAM & OTHERS - Vs - THE STATE OF WEST BENGAL & OTHERS.

Serial No. and
Date of order

01
05.12.2023

For the Applicants : Mrs. Sunita Agarwal
Advocate
For the State Respondents : Mr. Goutam Pathak Banerjee
Advocate
For the Private Respondent : Mr. Monojit Bhattacharyya
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 for the contesting parties, the case is taken up for consideration sitting singly.

The applicants have prayed for a direction to the respondent authorities to promote them to the post of U.D.C.

Submission of Mrs.S.Agarwal, learned counsel for the applicant is that the respondents have cited the reasons for not granting the promotion due to pendency of OA-587 of 2016 for promotion in this Tribunal. The applicants have also added the Private respondent - Santana Das. Santana Das after being promoted to the post of U.D.C. had joined the District of Murshidabad where the applicants work.

Since S.Das, U.D.C. had joined on promotion, the Tribunal is not satisfied why she has been added in this application as a private party. The posting of the private respondent on promotion to Murshidabad has no relevance to the prayer of the applicants in this application which is for their own promotion to the post of U.D.Cs. It is and accepted service

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rule that Government employees get transferred to other districts on promotion. The applicants have no right to protest the posting of this Private respondent in their district, Murshidabad, the applicants themselves on being promoted can be transferred to other districts. Therefore, let the name of Private respondent, Santana Das be expunged from the array of the respondents.

As regards, the primary prayer in this application for promotion to the post of U.D.C., let this matter be listed under the heading "Admission Hearing" on 28th March, 2024.

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

BLR