

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 703 of 2021

Sri Prasanta Kumar Roy . - Versus - The State of West Bengal & Others.

Serial No. and Date of order	For the Applicant	: Mr. P. Chatterjee, Advocate.
<u>12</u> 15.06.2023.	For the State Respondents	: Mrs. S. Agarwal, 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.

Prayer in this application is for a direction to the respondent authority to revert him to the post of U. D. Assistant from the present post of Inspector of Co-Operative Societies. In this regard, he has submitted several representations before the authorities. The respondent issued a Memo. No. 5942 dated 12.09.2019 responding to his representation for such reverting back to the post of U. D. Assistant. The relevant portion of the correspondence is as under :-

“It is regretted to inform you that your prayer dated 27.05.2019 for reversion to the post of Upper Division Assistant from C.I. could not be considered in terms of rule 17 of W.B.S.R.-I which barred all such moves for reversion wherein it states that if a Government employee on substantive appointment to any permanent post acquires a lien on that post, he or she ceases to hold any lien previously acquired on any other post. It is pertinent to follow Rule 21(3) of WBSR Pt.-I in this regard which states that a Govt. employee's lien on a post shall stand terminated on his acquiring a lien on a permanent post outside the cadre (herein, the post of C.I. for which no further confirmation is needed to a promotee) on which he is borne.”

ORDER SHEET

Form No.

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Submission of Mrs. S. Agarwal, learned counsel appearing on behalf of the State respondent is that this communication expressing the inability of the respondent in reverting him to the post of U. D. Assistant was neither replied nor challenge in any appropriate Court by the applicant.

After hearing the submissions of the learned counsels, it is the finding of the Tribunal that the very issue agitated by the applicant before the respondent authority has been settled by the letter communicated to him. Such decision was neither respondent nor challenged by the applicant in any forum. Moreover, in the communication to the applicant, the respondent has given specific reason as why such application for reversion cannot be considered. To be more specific, the relevant lines of the correspondence is cited again which is *"It is pertinent to follow Rule 21(3) of WBSR Pt.-I in this regard which states that a Govt. employee's lien on a post shall stand terminated on his acquiring a lien on a permanent post outside the cadre (herein, the post of C.I. for which no further confirmation is needed to a promotee) on which he is borne."*

In view of the above observation, the Tribunal does not find any merit in this application and thus it is disposed of without any orders as to cost.

(SAYEED AHMED BABA)
Officiating Chairperson and Member (A)

S.M.