

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 745 OF 2023

HIRENDRA NATH ROY - Vs - THE STATE OF WEST BENGAL & OTHERS

Serial No. and
Date of order

For the Applicants : None

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19.11.2024

For the State respondents : Mr.Soumendra Narayan Ray
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 counsel, the case is taken up for consideration sitting singly.

The applicant was appointed on compassionate ground on 14.08.1997 as a Lab-Bearer (Group-D) in Taki Government College, North 24 Paraganas. The applicant being a Higher Secondary passed was hoping that he would be offered a post as Group-C (Clerk), but he accepted the post of Group-D without any protest. In terms of a direction of this Tribunal in OA-612 of 2021, the respondent authority considered his representation and passed a reasoned order regretting his prayer for appointment as a Group-C employee. The reasoned order makes it clear that the applicant had agreed and accepted the post of Group-D under the compassionate scheme. As regards his prayer for appointing him in a post of Group-C, the reasoned order states that the applicant is presently standing at serial No. 72 of the Gradation list and promotion to the post of LDC will be considered when his turn comes. The reasoned order also mentions that the applicant has not qualified in the computer test which he is also not eligible for promotion to a post under Group-C.

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After considering the facts in this matter, the Tribunal understands that the applicant was an appointee in a post of Group-D under the compassionate ground. It is the prerogative of the appointing authority to offer him a post of either Group-C or Group-D. In this case, in 1997 he was offered the post of Group-D which he accepted and has been serving till date. It is also to be understood that an employee appointed under the compassionate ground cannot claim and demand a higher post solely on the ground that he is qualified. Since the reasoned order has shown that his position in the Gradation list for promotion to the post of LDC at serial No. 72, therefore, no direction is required to be given to the respondent authorities. The applicant may get his promotion to a post of Group-C when his turn for promotion comes and if he is found to be otherwise eligible. Finding no merit in this application, the payer in this application is disposed of.

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

BLR