

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

Case No. – OA 767 OF 2018

**SANJAY KUMAR DEY & OTHERS - VERSUS - THE STATE OF WEST BENGAL & ORS.**

Serial No. and  
Date of order

13  
27.06.2022

For the Applicant : Mr. Manujendra Narayan Roy  
Advocate  
For the State respondents : Mr. Goutam Pathak Banerjee  
Advocate

The matter is taken up by the single Bench pursuant to the order contained in the Notification No. 118-WBAT/1E-08/2003 (Pt.-II) dated 11<sup>th</sup> February, 2022 issued in exercise of the powers conferred under section 6 (5) of the Administrative Tribunals Act, 1985.

In this application, the applicants, who are Night Guard /Night Guard-cum-Darwan in the district Murshidabad (Panchayat & Rural Development Department) under the Block Development Officer, have prayed for certain reliefs, the relevant portion of which is as under:

*“ a) An order directing the respondents, their agents, subordinates and successors in office particularly the respondent no. 1 to 3 to cancel, set aside and withdraw the impugned memo dated 26.08.2016 and 07.03.2017 and to consider the representation dated 06.06.2018 made by the applicants forthwith.*

*b) An order directing the respondents, their agents, subordinates and successors in office particularly the respondents no. 1 to 4 to grant benefit of promotional scale / grade as well as monetary benefit with accrued interest during his service period.*

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*c) An order directing the respondents not to take any steps prejudicial to the interest of the Applicants.”*

Relying on the original application and the supplementary affidavit, it is submitted by Mr.M.N.Roy, learned advocate for the applicants since the notifications dated 26<sup>th</sup> August, 2016 and 7<sup>th</sup> March, 2017 have been superseded by the West Bengal Services (Recruitment to Clerical Cadre) Rules, 2010, particularly Rule 5 (2) (e), which has been explained and upheld by the judgement delivered on 21<sup>st</sup> July, 2017 in OA-254 of 2014 (MA-41 of 2015), Soumen Chakraborty & Others Vs. The State of West Bengal and Others appropriate order as prayed for may be passed.

Mr.G.P.Banerjee, learned advocate appearing on behalf of the State respondents submits as the position of law has been made clear by the judgement passed in OA-254 of 2014 (MA-41 of 2015), since the applicants have not filed representations ventilating their grievances, no order may be passed.

Having heard the learned advocates for the parties and considering the facts and circumstances of the case, the application is disposed of by granting liberty to each of the applicants to file representation individually before the Special Secretary, Department of Panchayat and Rural Development, the respondent no. 1, within four weeks from the date of obtaining a copy of this order downloaded from the website of the Tribunal. If representation is filed individually within the said time frame, the Special Secretary, Department of Panchayat and Rural Development, West Bengal, shall dispose of the same by passing orders in each of the cases separately after giving an opportunity of

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hearing to each of them, after verifying the records and after considering in the light of the West Bengal Services (Recruitment to Clerical Cadre) Rules, 2010 particularly Rule 5 (2) (e) and the judgement passed in OA-254 of 2014 (MA-41 of 2015).

(SOUMITRA PAL)  
CHAIRMAN

BLR