

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

The Hon'ble Sayeed Ahmed Baba, Administrative Member

Case No. – OA 767 OF 2021

**SUSANTA SAMAI & OTHERS - VERSUS - THE STATE OF WEST BENGAL & OTHERS**

Serial No. and Date of order	For the Applicants	:	Mrs. Rama Haldar (Santra) Advocate
<u>05</u> 20.07.2022	For the State Respondents	:	Mr. Sankha Ghosh Advocate

In this application, Susanta Samai, Paltu Kumar Karan and Sujit Kumar Patra, the applicants, have prayed for certain reliefs, the relevant portion of which is as under:

*“ A) A direction upon the respondents, their agents, subordinates and/ or each one of them to An order do issue directing the respondents authorities either to give appointment to the applicant by rectifying their procedural mistake or asked them to conduct the Re-selection Test for appointment of the Group-D post in terms of their Memo. dated 21.7.2021 and the subsequent Memo. Dated 8.9.2021 forthwith.*

*B) A direction upon the respondents, their agents, subordinates and/ or each one of them to produce or caused to be produce the record and documents in connection with the service of the applicant so that conscionable justice may be rendered;*

*C) A direction upon the Respondent Authorities to condone the age bar at the time of giving intimation if any.”*

It is submitted by Mrs.R.Haldar (Santra), learned advocate for the applicants, that though the Tribunal by order dated 10<sup>th</sup> January, 2019 passed in OA-644 of 2015 and in OA-670 of 2015 had dismissed the original application

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and the High Court had also dismissed the writ petition being WPST 57 of 2019 and WPST 58 of 2019, wherein the order of the Tribunal was under challenge, in which Susanta Samai was the applicant no. 6 and Paltu Kumar Karan was the applicant no. 3 respectively and the Supreme Court had also dismissed the Special Leave Petitions by order dated 2<sup>nd</sup> December, 2019, however as the selection process has not restarted, direction may be given to restart the selection process in terms of Memo. dated 21<sup>st</sup> July, 2021 and to give appointment to the applicants if they are selected.

Mr.S.Ghosh, learned advocate appearing on behalf of the State respondents submits on instruction that after the dismissal of Special Leave Petition by the Supreme Court, the selection process is under scrutiny and as inquiry is being held by the State Vigilance Commission, hence the question of restarting the selection process with regard to Group-D post in the Department of Irrigation and Waterways does not arise. Though allegation has been made against one Sk. Giasuddin, he has not been made a party respondent and therefore, the application is not maintainable.

Heard learned advocates for the parties. Since it is submitted on behalf of the respondents that after the order of the Supreme Court, the selection process is being inquired into by the State Vigilance Commission and no steps have been taken for restarting the selection process, no order is passed on the application. The application is disposed of.

(SAYEED AHMED BABA)  
MEMBER(A)

(SOUMITRA PAL)  
CHAIRMAN

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