

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

Mr. Sayeed Ahmed Baba, Officiating Chairperson and Hon'ble Member (A).

Case No. – OA 776 of 2018.

KANIKA RAY & ORS - VERSUS- THE STATE OF WEST BENGAL & ORS.

Serial No. and
Date of order

22
27.9.2023

For the Applicants : Mr. P. Dhole,
Ld. Advocate.

For the State respondents : Mr. G.P. Banerjee,
Ld. Advocate.

For the Private Respondents : Mr. M.N. Roy,
Ld. 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.

In today's hearing Mr. Dhole, learned counsel lays stress upon para 12 of the Notification 251-Emp dated 3rd December, 2013 and submits that the private respondents are guided by the Service rules and orders regarding their appointment and subsequent promotions. Their promotions are to be guided within the limits of this rule.

Appearing on behalf of the private respondents, Mr. M.N. Roy refers to an order of the Hon'ble High Court in WPST 658 of 2005. According to Mr. Roy, applicants in this case who were also similarly circumstances with the applicants of this case have been accepted as appointees in Group C. Therefore, the private respondents in this case are also to be considered as Group C appointees by the order of the Hon'ble High Court. Therefore, as Group C employees, the applicants in this

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application, being Group D employees cannot challenge their appointment.

Also Mr. G.P. Banerjee, learned counsel appearing on behalf of the State respondents while supporting the submission of the learned counsel for the private respondents, submits that the applicants have no locus tandi in this application by being Group D and challenging the appointment of the private respondents as Group C.

After hearing the submissions of the learned counsels, this Tribunal finds that consideration of this matter will not be complete unless the appointment letters of the Private respondents are presented and examined. Let Mr. Roy , learned counsel present copies of the appointment letter of the private respondents on the next date.

Let the matter be listed on 6th February, 2024 under the heading "Hearing".

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

Sk.