

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble SAYEED AHMED BABA, Officiating Chairperson & Member (A)

Case No. – OA- 776 of 2018

Serial No. and Date of order	Kanika Ray & Ors. For the Applicant	:	VERSUS – The State of West Bengal & Ors.. Mr. P. Dhole, Learned Advocate.
<u>21</u> 10.05.2023	For the State Respondents	:	Mr. G.P. Banerjee, Learned Advocate.
	For the private respondents		Mr. G. Halder, Learned 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 learned counsels for the contesting parties, the case is taken up for consideration sitting singly.

The prayer in this application is for setting aside the impugned orders dated 02.08.2018. By these orders, some 36 employees were initially appointed to Group-D post on compassionate ground allowed promotion to the post of L.D.C. The names of the applicants did not feature in this promotion list, although, as per the applicants, they were not only eligible but were sufficiently senior in the gradation. Learned counsel refers to the draft gradation list appearing at page 96 in which names of the applicants appear at different places for promotion to the post of L.D.C. Learned counsel refers to the senior most of the private respondents, Priyanka Das in this draft gradation list appearing at sl. No. 141, whereas the junior most of the applicants, Piyush Sarkar appears at sl. No. 135 in the same gradation list. From this, it is amply clear that all the applicants were senior to all the private respondents.

Mr. Dhole also submits that subsequently after a

gap of two years or so one of the applicants has been promoted to the post of L.D.C. However, the other applicants have not been awarded such promotion.

After hearing submissions of the learned counsels, it appears that two documents are necessary to be filed for perusal of the Tribunal to understand the entire gamut of the matter. Therefore, the learned counsel for the state respondent is directed to file before this Tribunal the following two documents:-

- i) Final gradation list of the L.D.Cs published by the respondent authority;
- ii) Promotion of the applicants to the post of L.D.C. after publication of the final gradation list.

Appearing on behalf of the private respondent, Mr. Halder, learned counsel prays for accommodation to submit reply with supporting documents on behalf of the private respondents by the next date. Rejoinder, if any, in the meantime.

Mr. Dhole similarly prays for accommodation to file before the Tribunal some relevant rules and judgements pertaining to the appointment of the private respondents relating to the second appointment of the private respondents on

compassionate ground.

Let reply and rejoinder be filed by the respective parties by the next date and the matter will appear on **27.09.2023** for hearing.

SAYEED AHMED BABA
OFFICIATING CHAIRPERSON & MEMBER(A)

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