

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 08 of 2022

Priyabrata Dhar. - Versus - The State of West Bengal & Others.

Serial No. and Date of order	For the Applicant	: Mrs. P. Kundu, Advocate.
<u>11</u> 04.07.2023.	For the State Respondents	: Mr. S. Bhattacharjee, Mrs. S. Agarwal, Advocates.

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 counsels for the contesting parties, the case is taken up for consideration sitting singly.

The prayer in this application is for a direction to the respondents to allow the applicant to appear in the interview for the post of District Mass Education Extension / Officer / Assistant Director, Mass Education Extension / Chief Superintendent, State Welfare Home, Banipur in WBES under the Department of Mass Education Extension and Library Science, Government of West Bengal. The Public Service Commission, West Bengal had conducted a recruitment process for filling up this post in the year 2018. Although, the applicant participated in the process but his name did not feature in the list recommended for interview. To an RTI question, the respondents replied that the applicant had scored 58 in the Preliminary Screening Test (PST). It was also submitted that the cut off marks for the last recommended candidate in interview under the UR category is 47.67. Submission is that despite scoring 58, higher than the last successful candidate selected for interview under the same category having 47.67, this applicant as a candidate was not called for the interview. Attention is drawn to a communicate dated 14.02.2020 of the Commission in which appearing at serial 18, Priyabrata Dhar, the applicant has been marked 'A' as the reason for having "Inadequate experience".

Mr. S. Bhattacharjee, learned advocate appearing on behalf of the State respondents referring to the reply of the Commission submits that the candidate, though having scored 58 in PST, was not qualified to appear for

ORDER SHEET

Form No.

Priyabrata Dhar.

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interview due to the inadequate experience as decided by a set of expert examiners. Such decision was reached on the basis of the experience certificate uploaded by the applicant during the time of the recruitment process.

Mrs. P. Kundu, learned advocate appearing on behalf of the applicant has shown copies of documents as experience certificate, which were earlier submitted before the Commission. Her submission is that this experience certificate submitted before the Commission within the due date was not considered as adequate by the Commission.

Mr. Bhattacharjee submits that he has to check with the Commission to find out whether these same documents were earlier submitted by the applicant showing as experience certificate.

After hearing the submissions, the Secretary, Public Service Commission, West Bengal is directed to check whether these documents were earlier submitted within the time limit by the applicant as experience certificate or not. It is further directed that these be examined and checked whether the decision of the Commission, based on the experts opinion found this applicant's candidature as "Inadequate experience" based on these documents or not.

Let the Report of the Commission be filed on the above classification by the next date. Let this matter appear under the heading "For Orders" on 21.02.2024.

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

S.M.




THE WEST BENGAL POWER DEVELOPMENT CORPORATION LIMITED
(A Government of West Bengal Enterprise)
Kolaghat Thermal Power Station
PO - Meecheda • Dist - Purba Medinipur • PIN - 721 137

Office Order No. 22 / 2016

Date: 12/2/2016

Sri Priyabrata Dhar, Assistant Teacher(Physics), Emp. No.5387, at present attached to KTPP High School(HS), KTPS, WBPDC, is confirmed in the said post w.e.f. 01-09-2015 under the West Bengal Power Development Corporation Limited., after completion of probationary period of one year satisfactorily on 31-08-2015 (his date of joining in the regular establishment being on 01-09-2014 as per Office Order No. COHRA03110006/4104 dated. 12-08-2014 of the GM(HR), WBPDC) and having fulfilled all other relevant terms and conditions.



(TAPAS PATRA)
GENERAL MANAGER
KTPS : WBPDC

Memo. No. GM/KTP/HR&A/SEC/134 (1-17)
Copy forwarded for information to: -

Date: 12/2/2016

1. The Executive Director (HR), Corp. Office, WBPDC, Kol-98.
2. The C.V.O. & Director (Personnel), Corp. Office, WBPDC, Kol-98.-The has reference to his kind concurrence dated 13-01-2016 under Note Sheet No-603 dated 19-11-2015.
3. The General Manager (HR) / (F&A) / (IT & MIS), Corp. Office, WBPDC, Kol-98.
4. The Dy. General Manager (F&A), KTPS, WBPDC.
5. The Manager(HR&A), KTPS, WBPDC.
6. The Headmaster, KTPP High School(HS), KTPS, WBPDC.
7. Personal Copy of Sri Priyabrata Dhar, Assistant Teacher(Physics), Emp. No.- 5387.
8. Personal file of Emp. No. 5387, KTPS.

K.T.P.P. HIGH SCHOOL
RECEIVED
Memo No. 110
Dated 18/02/16


DY. GENERAL MANAGER (HR&A)-O
KTPS : WBPDC

Corporate Identity No. U40104WB1985SGC039154

Registered & Corporate office:

Bidyut Ummayan Bhaban, Plot No. 3/C, LA-Block, Sector-III, Bidhanagar, Kolkata-700 098.

Phone : (033) 2335-0571/2339-3100 • Fax : (033) 2339-3186/2339-3286 • Website : www.wbpdcl.co.in • e-mail : wbpdcl@wbpdcl.com

THE WEST BENGAL POWER DEVELOPMENT CORPORATION LIMITED
(A Government of West Bengal Enterprise)

Registered & Corporate Office
"Bidyut Udayan Bhawan",
Plot No. 10, LA-Block, Sector-III,
Salt Lake City, Kolkata - 700 098
Phone - 2335-0559, 2339-3175
Fax No. - 2339-3197, 2339-3186
e-mail - wbpdccl@wbpdccl.co.in

Corporate Identity No. : I 40104WB1985SGC 039154



SPEED POST

Ref. : COHRA03110006/4104

Dated : 12 - 08 - 2014

To
Sri Priyabrata Dhar,
S/o Sri Susanta Kumar Dhar,
17/15/A, Amar Chakraborty Road,
PO- Khagra, PS- Berhampore,
Dist.- Murshidabad,
PIN- 742 103.

Dear Sir/Madam,

Sub : Offer of Appointment to the post of "Assistant Teacher" in Physics
under The West Bengal Power Development Corporation Limited.

Ref. : Your Interview for the above position.

We are pleased to appoint you to the post of "ASSISTANT TEACHER" in Physics in the Pay Band of Rs. 9,000 - 40,500/- (PB-4) with corresponding Grade Pay of Rs. 4,800/- on a starting Basic Pay of Rs. 15,960/- only (Pay in the Pay Band of Rs. 11,160/- + Grade Pay of Rs. 4,800/-) per month plus all other allowances as are admissible to the regular Teaching employees of the Company with effect from the date you actually report to the General Manager, Kolaghat Thermal Power Station, WBPDCCL, Mecheda, Purba Medinipur, for initial joining of duty at KTPP High School (H.S.), WBPDCCL, P.O.-KTPP Township, Dist.- Purba Medinipur.

The offer is subject to the terms and conditions as mentioned below :

1. You shall be a Citizen of India and shall be required to furnish necessary Declaration of Nationality in the prescribed form.
2. Your Pay in the Pay Band, Grade Pay, Holidays and Leave facilities shall be governed as admissible for Non-Government Aided Schools of West Bengal recognized by WBBSE/WBCHSE. The Gratuity would be admissible as per The Payment of Gratuity Act, 1972. All other conditions of service including disciplinary issues and benefits such as Dearness Allowance (D.A.), House Rent Allowance, Field Compensatory Allowance, Medical Allowance, Electricity Allowance, Travelling Allowance etc. would be admissible as per FSR/SCHOOL ROPA of WBPDCCL as amended from time to time.

Contd 2.

10-08-14

General Manager

The West Bengal Power Development Corporation Limited

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3. Your appointment under the Company is subject to the provisions of The West Bengal Power Development Corporation Limited Employees' Service Regulations as may be amended from time to time.
4. You will be on probation for a period of 1 (One) year with effect from the date of your initial joining, which may be extended up to 3 (three) months of each occasion for a total period of 6 (six) months, if your performance during probationary period of 1 (One) year is not found to be satisfactory.
5. You will be covered under The Contributory Provident Fund Scheme, governed by The Employees' Provident Fund & Miscellaneous Provisions Act, 1952.
6. Your age of superannuation will be 60 (sixty) years as per present rules.
7. During the period of probation the appointment is liable to termination with 1(One) month's notice on either side or on payment of 1(One) month's salary (Basic Pay + D.A.) in lieu thereof.
8. The appointment is subject to your suitability on verification of character and antecedents. In the event of adverse Police Verification Report, this appointment shall be terminated forthwith.
9. The appointment shall be subject to rules, orders, circulars, directives framed or given by the Company from time to time.
10.
 - a) Your confirmation in Company's service shall be considered on completion of requisite formalities viz. satisfactory Police Verification Report of character and antecedents and on satisfactory completion of 1 (One) year probationary period.
 - b) Your confirmation in service of WBPDC is also subjected to the genuineness of your Caste Certificate (SC/ST/OBC-A/OBC-B), PWD Certificate etc., if applicable.
11. On confirmation, your service is terminable on three months' notice or three months' salary (Basic Pay + D.A.) in lieu thereof from either side.
12. You will be initially posted at KIPP High School (H.S.), WBPDC, P.O.-KIPP Township, Dist.- Purba Medinipur. Your service is transferable to any other Unit, in future under the Company.

Contd.....3.

.....Human Recourse.....



The West Bengal Power Development Corporation Limited

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You shall have to fill up the following blank forms which are enclosed :

- a) Verification Roll (in duplicate).
- b) Nationality Declaration.
- c) Age Declaration.
- d) Lay out of Qualification and Experience (s).
- e) Employees Record Sheet.
- f) Declaration of Provident Fund/Pension Fund details of previous employment, if any.
- g) Form-2 (Declaration and Nomination Form under The Employees' Provident Fund and Employees' Pension Schemes), in triplicate.
- h) Form-13 (Revised) (Application for transfer of EPF Accounts).
- i) Form-13A (Revised) (Form of Application for intra regional transfer of accounts).
- j) Form of Nomination for Gratuity, in triplicate.


The above forms, excepting the form under Sl. No. (e) above, duly filled-in should be submitted to the General Manager, Kolaghat Thermal Power Station, WBPDC, Mecheda, Purba Medinipur, to whom you shall report with supporting documents duly attested including necessary Release Order from the employer, if you are presently employed and two copies of your recent passport size photographs wherein your full name should be indicated and the same must be attested.

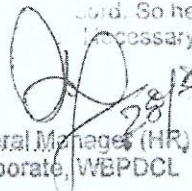
The form under Sl.No. (e) should be submitted to the undersigned at the Corporate Office, WBPDC, 'Bidyut Unnayan Bhaban', 3/C, IA-Block, Sector-III, Salt Lake City, Kolkata-700 098, duly filled-in, prior to your joining to the post. You have to surrender the Employment Exchange Registration Card in original, if any. The original Certificates and Testimonials should also be shown at the time of joining to the Reporting Officer, WBPDC.

In case any fraud is detected in your Certificates and other Testimonials submitted by you in support of your candidature at any stage, you will be summarily dismissed from the service of WBPDC immediately without any further reference to you.

If you are agreeable to accept the Offer on the aforesaid terms and conditions, you should report to the General Manager, Kolaghat Thermal Power Station, WBPDC, Mecheda, Purba Medinipur, for joining on any working day in between 1st September, 2014 and 10th September, 2014 failing which this offer shall stand withdrawn without any further reference to you.

Yours faithfully,


(Subhasis Ray)
General Manager (HR)
Encl: As above.

GM, KIPS/EK-TPP / EPPS / STPS / Sg-TPP
Sr/Smt. Paigal, Mecheda, Jharkhand
met the undersigned along with relevant papers/documents as enclosed in this letter which has been kept in my personal file. So he may be allowed to join the post. Necessary joining report may be submitted.

General Manager (HR) Corporate, WBPDC

Human Resource