

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 86 of 2024

Bibekananda Bhaskar & Ors. -- VERSUS – The State of West Bengal & Ors.

Serial No. and Date of order 04 <u>29.07.2025</u>	For the Applicants For the State Respondents	: Mr. Kingsuk Mondal, Ld. Advocate. : Mr. G.P. Banerjee, Mr. D. Kole, Ld. Advocates.
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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.

The prayer in this application is for a direction to the respondent authority to issue order of promotion including the monetary benefits in favour of the petitioners by taking into consideration of the Gradation List prepared on the basis of their seniority as per the date of appointment as well as list of APR.

Mr. K. Mondal, learned counsel argues that the juniors below the applicants have been promoted to the post of L.D.C. with complete disregard to the seniority in the Draft Gradation List. For instance, one of the applicants, Bibekananda Bhaskar, his name appears at serial No. 102 of the Draft Gradation List, whereas one of the private respondents, Ruma Acharjee, appears at serial No. 118 of this Draft Gradation List. By an order dated 28.12.2023, this private respondent, Ruma Acharjee along with 9 others have been promoted to the post of L.D.C. This order also shows that such promotion was passed on the recommendation of "Directorial Committee."

From the submissions of the learned counsels and the records in this application, it has become clear to this Tribunal that the applicants have crossed 50 years of age. A Circular was issued in the year 2017 by which Group-D employees who had crossed the age of 50 were exempted from the typing test for their eligibility criteria for promotion to the post of L.D.C. The current rules notified in Notification No. 662-F(P2) dated 24.01.2019 does

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not extend any such relaxation to the employees who are over 50 years of age. Rule 4 of this Notification requires that *“the candidates who are otherwise eligible having requisite qualification and have passed the examination on elementary knowledge in computer operation with ability of typing 20 (twenty) words per minute in English or 10 (ten) words per minute in Bengali...”*

It is understood that the applicants had not cleared such computer operation test and although being senior in the Gradation List for Group-D could not be promoted to the post of L.D.C. It has also been submitted by the respondent's side that none of these applicants ever participated in the computer test.

Mr. Mondal, learned counsel has submitted that a Notification No. 7687 dated 02.01.2023 required an information whether any employee above 50 years of age were exempted from typing test. This is a memo from the Public Works Department requiring the subordinate officials to submit the APRs in respect of qualified Group-D and eligible Group-C employees.

From the submissions and the records, it has become clear that in terms of the relevant rules, the applicants were not eligible for such promotion. In terms of the current rules, no relaxation is available to employees who are above 50 years from the computer test. Thus, neither having such relaxation for age nor having participated or cleared the computer test, the prayers of the applicants are devoid of any merit.

This application is **disposed of** without passing any order.

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SAYEED AHMED BABA
Officiating Chairperson & Member (A)