

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

Case No. –OA 895 of 2018

*Sri Sumanta Rajak* - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order <u>14</u> 26.07.2022	For the Applicant For the State Respondent	: Mr. Prabir Chatterjee, Advocate. : Ms. R. Sarkar, Mr. A. De, Departmental Representatives.
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The matter is taken up by the single Bench pursuant to the order contained in the Notification No. 118-WBAT/1E-08/2003 (Pt.-II) dated 11<sup>th</sup> February, 2022 issued in exercise of the powers conferred under section 6 (5) of the Administrative Tribunals Act, 1985.

Though directed as the matter did not appear in the daily cause list, the Registry has published a supplementary cause list today enlisting the matter. Let a copy of the supplementary cause list be kept on record.

In this application, the applicant, a Bhumi Sahayak in the Department of Land Records and Surveys and Joint Land Reforms Commissioner, West Bengal has prayed for several reliefs, which are as under :

*“.....(a) The respondent authorities is directed to immediately consider the representations of your applicant's learned Advocate and give him a fair chance for the next higher post.*

*(b) Direction may be given upon the respondent authorities to pay the higher scale with due effect as the persons who were already appointed in the higher post.*

*(c) Direction may be given as mandatory order to immediately give higher pay scale from the date from which the others persons got the higher pay scale already.*

*(d) From the date of appointment of the other colleagues mandatory*

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*direction may be given to pay 17% interest per annum in respect of money that due to him with immediate effect, i.e. within three days from the date of receiving of the order.”*

It appears that the applicant was appointed on 18<sup>th</sup> November, 2007. It is submitted by Mr. Prabir Chatterjee, learned advocate appearing on behalf of the applicant that since juniors to the applicant in the gradation list have been given promotion to the next higher post superseding the applicant, prayers in the application may be allowed. On a query, it is submitted that the gradation list has not been challenged in the application. Submission is that, leave may be granted to file representation highlighting the grievances of the applicant.

Mr. A. De, the Departmental Representative submits that since the gradation list has not been challenged and as the said list was prepared on the basis of the result of the selection process and seniors to the applicant have been given promotion, no order may be passed.

After hearing the parties, the application is disposed of by granting liberty to the applicant to file representation ventilating his grievances including the issue of alleged supersession by his juniors before the Director of Land Records and Surveys and Joint Land Reforms Commissioner, Kolkata, the Respondent No. 1 within four weeks from the date of obtaining a copy of this order downloaded from the website of the Tribunal along with copies of relevant documents. If representation is filed within the time as stipulated, same shall be disposed of by the respondent No. 1 by passing a reasoned order to be communicated to the parties within eight weeks after giving an opportunity of hearing and after verifying the records.

CSM/SS

**(SOUMITRA PAL)**  
**CHAIRMAN**