

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

Case No. –OA 903 of 2018

Prakash Bin - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicants	: Mr. S.N. Ray, Advocate.
<u>13</u> 28.02.2022	For the State Respondent	: Mr. S.K. Chakraborty, Advocate.

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 11th February, 2022 issued in exercise of the powers conferred under section 6 (5) of the Administrative Tribunals Act, 1985.

In the application, Prakash Bin, the applicant has filed an application praying for certain reliefs, the relevant portion of which is as under :

“(a) An order be issued directing the respondents to give promotion to the post of Upper Division Clerk (UDC) with effect from the date when his junior (SC) Bappaditya Chowdhury was promoted or earlier on the basis of the seniority in the post of LDC and also observing the fifty roster point in promotion for reserved candidates.

(b) An order be issued directing the respondents to mark as Schedule Caste Community against the name of the applicant and fix his position after giving promotion prior to his junior (SC) in the Combined Final Gradation Lists issued in the years 2016, 2017 & 2018 and also in the gradation lists issued prior to 2016.”

Mr. S.N. Ray, learned advocate for the applicant submits that since it is evident from the memo dated 26th September, 2013 issued by the Sub-Divisional Officer, Domkal, Murshidabad, the respondent no. 4 addressed to the District Magistrate and Collector, Murshidabad, the respondent no. 2 that caste certificate was furnished, appropriate order may be passed directing the respondents to give promotion to the applicant.

Form No.

Case No. **OA 903 of 2018**

Vs.

THE STATE OF WEST BENGAL & ORS.

Mr. S.K. Chakraborty, learned advocate appearing on behalf of the State respondents relying on the reply filed submits that as on the basis of the modified final combined gradation list as stood on 1st January, 2012, Bappaditya Chowdhury, LDC was appointed to the post of UDC with effect from 1st June, 2013 against serial no. 478 and as at that point of time, the applicant did not acquire the scheduled caste certificate, the question of promoting the applicant before Bappaditya Chowdhury does not arise. The applicant was entitled to be promoted to the post of UDC subsequently and he was promoted to the post of UDC with effect from 1st April, 2015. In this regard, it is submitted that the applicant had furnished the scheduled caste certificate after 1st June, 2013 as evident from Annexure-A/2.

Heard learned advocates for the parties. Since there is no answer to the issue that Bappaditya Chowdhury, LDC, who is not a party to the instant case, was appointed to the post of UDC with effect from 1st June, 2013 and as it appears from page 5 of the reply filed by the State respondent no. 3 that is the "Brief history of the case of OA-903 of 2018" issued by the Additional Director and Collector, Murshidabad that the applicant at that point of time did not acquire the scheduled caste certificate, which as evident from the memo dated 26th September, 2013 that the applicant had received the certificate after 1st June, 2013, no order is passed on the application. The application is disposed of.

(SOUMITRA PAL)
CHAIRMAN

CSM/SS