

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

Case No. – OA 919 OF 2021

NILRATAN CHATTERJEE - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	:	Mr.Chanadra Sekhar Bag Advocate
<u>03</u> 15.06.2022	For the State respondents	:	Mr. Goutam Pathak Banerjee Mr.Biswa Priya Roy Advocates

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 this application, Nilratan Chatterjee, the applicant, who is Lower Division Clerk at J.B. Roy State Ayurvedic Medical College & Hospital, Kolkata, has prayed for several reliefs, the relevant portion of which is as under:

“ a. A mandatory direction upon the respondent no. 4 to provide the applicant with all the service benefits including promotions and arrears since the period 2012 till date;

b. To remove the words in the remark column of the gradation list with regard to the pending cases being C/24 dated 19/11/2017 and C/41 dated 27/1/2017 which has been set aside by the Additional Chief Secretary, Health And Family Welfare Department, Government of West Bengal as the Appellate Authority way back on 27/9/2018;”

It is submitted by Mr.C.S.Bag, learned advocate for the applicant that though the appellate authority has allowed the departmental appeal by order dated 27th September, 2018 against the order of punishment on the applicant, however, as the same is not reflected in the remarks column in the revised final gradation list of Lower Division Clerk, as evident from pages 74 of the

ORDER SHEET

Form No.

NILRATAN CHATTERJEE

Vs.

Case No. : **OA 919 OF 2021**

THE STATE OF WEST BENGAL & ORS.

application, appropriate order may be passed by setting aside the remarks column.

Mr.B.P.Roy, learned advocate for the State respondents submits that since the applicant has succeeded in the appeal, steps are being taken for deleting the remarks.

Having heard the learned advocates for the parties and considering the fact that the departmental appeal of the applicant has been allowed and the punishment has been set aside, in my view, the remarks “*order finalized vide no. C/41 dated 27.01.17 & C/24 dated 19.01.17*” appearing in page 74 of the application, cannot be sustained and is therefore, set aside and quashed. Hence, the original application is allowed. Accordingly, the Director of Ayurveda, Government of West Bengal, Health and Family Welfare, Kolkata, the respondent no.2 is directed to publish the revised final gradation list sans the remarks within eight weeks from the date of presentation of a copy of this order downloaded from the website of the Tribunal and shall also consider the prayer of the applicant for promotion and shall pay the arrears since 2012, if any, within fifteen weeks in accordance with law.

(SOUMITRA PAL)
CHAIRMAN

BLR