

ORDER SHEET
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-264 of 2025

Shreya Srivastava. -- VERSUS – The State of West Bengal & Others

Serial No. and
Date of order

For the Applicant : None.

For the State Respondents : Mr. S. K. Mondal,
Learned counsel.

For the Public Service : Mr. S. Bhattacharjee,
Commission, West Bengal. Learned counsel.

05
04.09.2025

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 applicant has prayed for a direction to the respondent authorities to give her notional benefit of promotion in the post of Superintending Architect with effect from 27.06.2023.

By order no. 20 dated 21.03.2023, the Department of Public Works published a list of eight Assistant Architects who were promoted to the post of Architect. Attention has also been shown to Memorandum No. 4073-E dated 23.08.2023 by which a Committee has been formed to suggest suitable amendments in the Recruitment Rule to cover promotions to the post of Superintending Architect for the direct recruitment through the Public Service Commission. As a follow-up to the Memorandum mentioned above, the Department informed the Public Service Commission, West Bengal that its vetting required to the draft amendment proposal in the Recruitment Rule. In this regard, letter 5992 dated 13.12.2023 was addressed by the Department to the Secretary, Public Service Commission. The Commission agreed by Memo. No. 52 dated 16.01.2025 with few changes. In terms of existing Rules, the revised Recruitment Rule is subject to approval of the Cabinet under Article 309 of the Constitution of India.

Mr. Mondal, learned counsel for the State relying on the reply of the State respondents informs that the amendment to the Recruitment Rule as

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narrated above is pending before the Finance Department for its concurrence. The reply filed by the State respondents at Para 6 also refers that such a proposal being before the Finance Department.

In terms of the existing Recruitment Rule published in Notification No. 231 dated 09th September, 2014, the post of Superintending Architect is filled by suitable candidates from the post of Architect who have completed 13 years of service in the post of Assistant Architect and Architect taken together.

Mr Chattopadhyay, learned counsel appearing on behalf of the applicant argues that the applicant has already gained experience of nine years in the present post of Architect and another six years prior to such appointment he refers to (III)(b)(iii) of the Recruitment Rules, 2014. This provision of the Recruitment Rules required six years of experience in Architecture in a reputed Architect's Office to be eligible for appointment to the post of Architect in the Department. Submission of Mr. Chattopadhyay is that, since the applicant had six years of prior experience as an Architect and gained nine more years of such experience as an Architect working in the Department, therefore, she is eligible to be promoted to the post of Superintending Architect in terms of this Recruitment Rules. Mr. Chattopadhyay further submits that one post of Superintending Architect is lying vacant and since the applicant is eligible for this post, it may be offered to her.

Mr. Mondal differs with such argument for counting of the six years prior to her joining the service. He emphasises that her six years experience was outside the Government in a private sector, therefore, it cannot be accepted as an experience under the Recruitment Rules, 2014.

The other contention of the applicant's side is that six Architects who are junior to the applicant in the gradation list were promoted to the post of Superintending Architect. A Memo. No. 27A dated 08.04.2025 is shown in

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which six Architects were promoted to the post of Superintending Architect. The Tribunal is also shown the draft gradation list of Architects as on 01.08.2025 bearing the signature of Joint Secretary(P), PWD in which name of Shreya Srivastava is shown as serial no. 2 and the following persons who were promoted to the post of Superintending Architect are shown below her:

Serial No.	Name
3	Sri Anirban Bhattacharjee
4	Sri Kishore Kumar Bain
6	Sri Abhijit Ghosh
7	Sri Sayantan Mandal
9	Smt. Rimpa Roy Saha

Having heard the submissions and on proper examination of all the records, this Tribunal has observed the following :-

The above named persons promoted to the post of Superintending Architect had joined the post of Architect on 22.03.2023. Although, the applicant's experience as an Architect in the Department is higher to the promoted officers but due to the criteria stipulated in the present Recruitment Rule which required a total of 13 years of service in the post of Assistant Architect and Architect taken together, the above persons were given such promotions to the post of Superintending Architect. All these named persons have more than 13 years of experience as Assistant Architect and Architect. This applicant, although placed 2nd in the gradation list has not completed 13 years service, thus found ineligible for such promotion.

The Tribunal cannot accept as valid the argument of the applicant that being senior in the gradation list, her promotion could not be ignored. A promotion cannot be relied on position in a gradation list, it is the promotion criteria as stipulated in the Rules which determine eligibility for a

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promotion. The Rule which requires 13 years of experience for promotion to the post of Superintending Architect has not been challenged by the applicant. The applicant also has not disputed the fact that less than 13 years service does not entitle her to such promotion.

In view of the above findings, the Tribunal is not satisfied that her prayer has any merit.

This application is, therefore, disposed of without any orders.

SAYEED AHMED BABA
Officiating Chairperson & Member (A)

S.M.