

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

Case No. - OA 612 of 2021

HIRENDRA NATH ROY - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicants	: Mr. Banibrata Roy, Ms. Tumulika Das, Advocates
<u>3</u> 18.04.2022	For the Respondents	: Mrs. Sunita Agarwal, Advocate

The matter is taken up by the single Bench pursuant to the notification no.949-WBAT/2J-15/2016 dated 24th December, 2020 issued in exercise of the powers conferred under sub-Section (6) of Section 5 of the Administrative Tribunals Act, 1985.

In this application, Hirandra Nath Roy, the applicant, has prayed for certain reliefs, the relevant portion of which is as under:-

- “(a) An order do issue directing the respondents to consider the case of the applicant for his elevation as recommended by the Principal dated 09.10.2017.
- (b) An order do issue directing the respondents to issue elevation order in favour of the applicant with retrospective effect.
- (c) An order do issue directing the respondents to sanction consequential benefit thereto.”

It appears that after passing Higher Secondary Examination in the year 1997, the applicant was appointed as Group 'D' staff. Thereafter, he was posted as Zoology Lab Bearer in Taki Government College.

Subsequently, the applicant made several representations before the authorities for elevating him as Lower Division Clerk as he was eligible and as

ORDER SHEET

Form No.

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there are vacant posts.

SCN.

Submission is though similarly circumstanced persons have been promoted, as evident from paragraph 6.9 of the application, he has been denied the benefit of promotion. Submission is though the Principal, Taki Government College, by memo dated 9th October, 2017 had recommended before the Director of Public Instructions, Government of West Bengal, Kolkata, the respondent no.2 for elevating the applicant to the post of L.D.C. (Group – C), it has not been considered. Aggrieved, this application has been filed.

Heard Mr. Banibrata Roy, learned advocate for the applicant and Mrs. Sunita Agarwal, learned advocate for the State respondents.

Having heard the learned advocates for the parties and considering the facts and circumstances of the case, the application is disposed of by granting liberty to the applicant to file a representation ventilating his grievances afresh along with a copy of the memo dated 9th October, 2017 and a copy of this order, downloaded from the website of this Tribunal, before the Director of Public Instructions, Government of West Bengal, Kolkata, the respondent no.2 within four weeks. If representation is filed within the time as stipulated, the respondent no.2 shall dispose of the same by passing a reasoned order to be communicated to the parties within eight weeks after giving an opportunity of hearing, after considering the memo dated 9th October, 2017 and after verifying the records. It is made clear that I have not gone into the merits of the matter and all points are kept open to be dealt with by the respondent no.2 if representation is filed within the time as stipulated.

(SOUMITRA PAL)
CHAIRMAN