

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman.

& The Hon'ble Sayeed Ahmed Baba, Administrative Member.

Case No. –OA-816 of 2021.

Ashis Chakraborty. - Versus – The State of West Bengal and Others.

Serial No. and Date of order	For the Applicant	: Mr. M. N. Roy, Mr. B. Nandy, Advocates.
<u>2</u> 6.12.2021	For the State Respondents	: Mr. G. P. Banerjee, Advocate.

Let affidavit of service filed today be kept on record.

Since despite service of notice none appears on behalf of the State respondents, Mr. G. P. Banerjee, learned advocate, who normally appears on behalf of the State respondents, is requested to appear in this matter. Let a copy of the original application be served by Mr. M. N. Roy, learned advocate for the applicant on Mr. Banerjee which is served and accepted. The Legal Remembrancer, West Bengal is directed to regularise the appointment of Mr. Banerjee.

In this application, Ashis Chakraborty, the applicant, a promotee, has prayed for certain reliefs, the relevant portion of which is as under :-

“(a) An order do issue directing thereby the concerned respondent authorities to consider the applicant for promotion to the post of Deputy Superintendent (Non-Medical) from the post of Assistant Superintendent (Non-Medical) Grade – I, protecting thereby his seniority which was disrupted in the year 2017.

(b) An order do issue directing thereby the concerned respondent authorities to consider the representation preferred by the applicant vis-a-vis the West Bengal (Determination of Seniority) Rules, 1981, prior to giving any promotion to any candidate to the post of Deputy

ORDER SHEET

Form No.

Ashis Chakraborty.

Case No. **OA-816 of 2021.**

Vs.
The State of West Bengal and Others.

Superintendent (Non-Medical) from the post of Assistant Superintendent (Non-Medical) Grade – I, disturbing thereby the seniority position of the applicant. ”

It is submitted by the Mr. M. N. Roy, learned advocate for the applicant since it is evident from the seniority list of the Assistant Superintendent (Non-Medical) Grade – II, appearing at page-22 of the application, that the applicant is the seniormost in the hierarchy and under the West Bengal (Determination of Seniority) Rules, 1981, the promotees shall be en-bloc senior to the direct recruits, the applicant is entitled to the reliefs as prayed for. Though several representations were filed and ultimately a representation dated 15th November, 2021, appearing at page 56 of the application, praying for promotion was addressed to the Health Secretary, Department of Health and Family Welfare, Government of West Bengal – the respondent no. 2, however it has not been considered. Aggrieved the application has been filed. Prayer is the respondents may be directed to consider the representation and an interim order be passed restraining the respondents from the giving effect from promoting anybody in the gradation list without considering the case of the applicant for promotion otherwise his service prospects will be in jeopardy.

Mr. Banerjee submits that though he does not oppose the prayer of the applicant for consideration of his representation dated 15th November, 2021, since no order has been passed by the respondents regarding promotion, no interim order be passed. Moreover, it is submitted that the applicant is yet to fulfil the criteria for promotion.

Having heard the learned advocates for the parties and

ORDER SHEET

Form No.

Ashis Chakraborty.

Vs.

Case No. **OA-816 of 2021.**

The State of West Bengal and Others.

considering the facts and circumstances of the case, the application is disposed of by directing the Principal Secretary, Department of Health and Family Welfare, now redesignated as Secretary, Department of Health and Family Welfare, Government of West Bengal – the respondent no. 2, to consider the representation dated 15th November, 2021 and shall pass a reasoned order to be communicated to the parties within ten weeks from the date of presentation of a copy of this order downloaded from the website of the Tribunal after giving an opportunity of hearing to the applicant and others - promotee and direct recruits, who may be affected by any decision taken for promotion to the post of Deputy Superintendent (Non-Medical) from Assistant Superintendent (Non-Medical) Grade – I, after verifying the records and in the light of the West Bengal (Determination of Seniority) Rules, 1981.

(SAYEED AHMED BABA)
MEMBER (A)

(SOUMITRA PAL)
CHAIRMAN

S.M.