

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

**The Hon'ble JUSTICE RANJIT KUMAR BAG
& The Hon'ble DR. SUBESH KUMAR DAS**

Case No – MA 148 of 2017 (OA 570 OF 2017)

Dr. Rupam Barua Vs The State of West Bengal & Ors.

Serial No. and Date of order. 1	Order of the Tribunal with signature 2	Office action with date and dated signature of parties when necessary 3
10 <hr/> 02.08.2018	<p><i>For the Applicant : Mr. S. Srimani, Learned Advocate.</i></p> <p><i>For the State Respondents : Mr. S. N. Ray, Learned Advocate.</i></p> <p><i>The applicant has prayed for an interim order restraining the respondents from filling up the post of Additional Director, Animal Resources Development Department by way of promotion till the final disposal of the original application.</i></p> <p><i>This Tribunal has already passed an interim order at the instance of the applicant on July 12, 2017 in OA 570 of 2017, which is as follows :</i></p> <p><i>“ Any decision taken in respect of filling up of the post of Joint Director, A.R.D meant for the Scheduled Tribe candidate as per 50-Point Roster (4th Point) will abide by the result of this application.”</i></p> <p><i>We have to consider whether the applicant is entitled to get further interim order as prayed in the Miscellaneous Application. We have heard Learned Counsel representing both parties. The contention of the applicant is that had he got promotion in the post of Joint Director in proper time, his candidature would have been considered for filling up the post of Additional Director by</i></p>	

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way of promotion, particularly when two posts of Additional Director are lying vacant. The objection is raised on behalf of the state respondents for passing any further interim order during pendency of the original application.

Since the interim order has already been passed for filling up the post of Joint Director subject to the final decision of the original application, we are inclined to pass an interim order on the same line during pendency of the original application, in default prejudice may be caused to the applicant when original application will be finally heard and disposed of.

In view of our above findings, the respondents are at liberty to fill up the post of Additional Director, Animal Resources Development Department by way of promotion, subject to the final decision of the original application. This interim order will continue till the final decision of OA 570 of 2017. Accordingly, Miscellaneous Application stands disposed of.

List OA 570 of 2017 under the heading “Hearing” on 05.12.2018.

Let a plain copy of the order be supplied to both parties.

(S.K.DAS)

Member (A)

(R.K.BAG)

Member (J)

H.S

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