

ORDER SHEET
West Bengal Administrative Tribunal

Present.-
The Hon'ble Mrs. Urmita Datta (Sen)
&
The Hon'ble Dr. A. K. Chanda

Case No. **MA – 114 of 2017 (OA – 97 of 2015)**

Bappaditya Kar & Others.

Versus

The State of West Bengal & Others.

Serial No. and
date of order

Order of the Tribunal
with signature

Office action with date
and dated signature of
parties when necessary.

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*05/03/2018
Taken from the
list 01/03/2018*

For the Applicant (in MA) : *Mr. Sankha Ghosh,
Advocate.*

For the State Respondents : *Mrs. Mousumi Mallick,
Advocate.*

For the Respondents (Applicant in OA) : *Mr. Sandip Srimani,
Mrs. Pratima Saha,
Advocates.*

*The instant MA has been filed praying for to
be added as respondents in the original application
being no. 97 of 2015.*

*According to the applicant, one final
gradation list dated 21.04.2015 was published
wherein the applicant in the instant MA was in the
serial no. 170 whereas, the applicants in the
original application were in the serial no. 341, 344,
394, 359, 401, 373, 337, 348, 393, 343, 346, 377,
331, 357, 339, 396, 334, 397, 392, 338, 354, 388
and 382. According to the applicant in the MA, from
perusal of the gradation list dated 21.04.2015, it
would be evident that the applicant in the instant
MA was appointed as Jt. B.D.O on 2009, whereas
the applicants in the original application were
appointed as Jt. B.D.O. on 2014 onwards.
Therefore, if the prayer in the OA would be allowed*

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	<p><i>i.e. the applicants in the OA would be treated as promoted from 31.12.2007 then the applicant in the MA would be adversely affected. Therefore, it is necessary to add him as a party respondents in the original application. Accordingly, the Counsel for the applicant has prayed that the instant MA may be allowed.</i></p> <p><i>However, the Counsel for the respondents i.e. applicants in the OA has objected for such addition of party on the ground that the applicant in the instant MA is direct recruitee, therefore, he is not necessary party.</i></p> <p><i>Heard all the parties. Perused the records in MA as well as OA.</i></p> <p><i>From perusal of the relief of both the MA and OA along with the gradation list dated 21.04.2015, it is noted that the basic claim of the applicant is that the applicants in the OA should be treated as promoted from 31.12.2007 under promotional quota but was appointed as Jt. B.D.O from 2014 onwards. In the meantime, some persons under direct recruitment quota were appointed prior to 2014, though the process of appointment of both the direct recruitee and promotee were initiated in the year 2007. Therefore, the applicants in the OA</i></p>	

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	<p><i>should be treated as promoted from 31.12.2007.</i></p> <p><i>However, from perusal of the above, we are of the opinion as the applicant in the MA was already been appointed in the years 2009 as Jt. B.D.O and his position in the gradation list is above the applicants in the OA, therefore, he would be adversely effected by the order of the Court if the OA would be allowed.</i></p> <p><i>Thus, in our considered view, the applicant in the MA is the necessary party to be added. Accordingly, the MA is allowed.</i></p> <p><i>The applicants in the OA are directed to add the applicant in the MA as a party respondent in the OA within four weeks and supply the copy of the amended OA to the added respondent within two weeks.</i></p> <p><i>Accordingly, the instant MA is disposed of.</i></p> <p>Dr. A. K. CHANDA MEMBER(A)</p> <p>URMITA DATTA (SEN) MEMBER(J)</p>	

Rajat

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