

ORDER SHEET
West Bengal Administrative Tribunal

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

Case No. **MA – 17 of 2018 (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
of 01.03.2018*

For the Applicants (in MA) : *Mr. Biswarup Nandy,
Mr. Sourav Halder,
Advocates.*

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 applicants, one final
gradation list dated 21.04.2015 was published
wherein the applicants in the instant MA were in
the serial no. 239, 246, 199, 235, 242, 245, 236,
219, 237 , 238, 244, 215, 234, 240 and 243
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 applicants in the MA, from perusal
of the gradation list dated 21.04.2015, it would be
evident that the applicants in the instant MA were
appointed as Jt. B.D.O on 2009/2010 onwards
whereas the applicants in the original application*

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	<p><i>were appointed as Jt. B.D.O. on 2014 onwards. Therefore, if the prayer in the OA would be allowed i.e. the applicants in the OA would be treated as promoted from 31.12.2007 then the applicants in the MA would be adversely affected. Therefore, it is necessary to add them 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 applicants in the instant MA are direct recruitee, therefore, they are 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 applicants 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</i></p>	

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	<p><i>the direct recruitee and promotee were initiated in the year 2007. Therefore, the applicants in the OA 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 applicants in the MA were already been appointed in the years 2009/2010 onwards as Jt. B.D.O and their position in the gradation list is above the applicants in the OA, therefore, they 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 applicants in the MA are 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 applicants in the MA as a party respondents in the OA within four weeks and supply the copy of the amended OA to the added respondents 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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