

**ORDER SHEET**  
**West Bengal Administrative Tribunal**

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

Case No. **MA – 26 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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<p style="text-align: center;"><u>22</u> 05/03/2018 Taken from the list 01/03/2018</p>	<p><b>For the Applicants (In MA) :</b> Mr. Goutam Pathak Banerjee, Advocate.</p> <p><b>For the State Respondents :</b> Mrs. Mousumi Mallick, Advocate.</p> <p><b>For the Respondents (Applicant in OA) :</b> Mr. Sandip Srimani, Mrs. Pratima Saha, Advocates.</p> <p style="text-align: center;"><i>The instant MA has been filed praying for to be added as respondents in the original application being no. 97 of 2015.</i></p> <p style="text-align: center;"><i>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. 161, 174, 190, 182, 217, 206, 197, 209, 232, 207, 184, 192, 223, 216, 204, 233, 208, and 220 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</i></p>	

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	<p><i>application 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><b>Dr. A. K. CHANDA</b> <b>MEMBER(A)</b></p> <p><b>URMITA DATTA (SEN)</b> <b>MEMBER(J)</b></p>	

Rajat

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