

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

Present.-  
The Hon'ble Justice Ranjit Kumar Bag  
&  
The Hon'ble Dr. Subesh Kumar Das

Case No. **OA - 741 of 2017**

*Dipak Roy* Versus *Secy, Panchayet & Rural Development .*

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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<u>03</u> 04/09/2018	<p><b><i>For the Applicant</i></b> : <i>Mrs. S. Mitra,</i> <i>Learned Advocate.</i></p> <p><b><i>For the State Respondents</i></b> : <i>Mr. G.P. Banerjee, Ld.</i> <i>Advocate.</i></p> <p style="text-align: center;"><i>The applicant has prayed for direction upon the respondents to give the applicant promotion to the post of Clerk-cum-Accountant in any block of the district of Jalpaiguri.</i></p> <p style="text-align: center;"><i>The contention of the application is that the applicant was found to be eligible for promotion to the post of Head Clerk-cum-Accountant along with two other employees namely, Kamal Oraon and Sampa Maitra on the basis of order dated May 29, 2015 issued by the District Magistrate, Jalpaiguri. The applicant did not give the willingness for posting in the promotional post and as such the order of promotion of applicant was cancelled on August 7,2015. Subsequently, the applicant submitted application for posting in the promotional post in any of the block of the district of Jalpaiguri. The grievance of the applicant is that his application for reconsideration for posting in the promotional post was not considered by the concerned respondent, though one Kamal Oraon who also gave his unwillingness to get promotion previously, got the posting in the promotional post after bifurcation of the district of Jalpaiguri.</i></p>	

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*Development* :.....Case No. **OA – 741 of 2017**

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csm	<p><i>Having heard the Learned Counsel representing both the parties and on consideration of the materials on record, we find that Kamal Oraon who got promotion subsequently after bifurcation of the district of Jalpaiguri is not on the same footing with the present applicant, as Kamal Oraon joined in the district of Jalpaiguri after being released from the district of Alipurduar after bifurcation of the district of Jalpaiguri. Since the applicant refused to give willingness for posting in the promotional post in the year 2015, the applicant must be considered for next promotion alongwith other employees belonging to the same cadre. The question of consideration of the applicant in an isolated manner for promotion after refusal of joining in the promotional post does not arise. In view of the above findings we direct the respondent no. 2, District Magistrate, Jalpaiguri to consider the applicant for promotion along with other employees of the same cadre in the next available opportunity. With the above direction the original application is disposed of.</i></p> <p><b>S. K. DAS</b> <b>MEMBER(A)</b></p> <p><b>R. K. BAG</b> <b>MEMBER(J)</b></p>	

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