

**ORDER SHEET****WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-**

The Hon'ble Justice Soumitra Pal (Chairman)  
& The Hon'ble P. Ramesh Kumar (Administrative Member)

**Case No. OA-1003 OF 2016**

**SOUMITRA NATH BANERJEE 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
<p style="text-align: center;"><u>13</u> 21.11.19</p>	<p>For the Applicant : Mrs.S.Mitra Advocate</p> <p>For the Respondents : Mr.A.L.Basu Advocate</p> <p>In this application, the applicant, who had applied for the post of Group-D under Western Circle-II in the Irrigation and Waterways Department, Government of West Bengal in connection with the selection process which was initiated in the year 2007-2008, has prayed for several reliefs, the relevant portion of which is as under:</p> <p style="text-align: center;">“ (A) Appropriate order be passed directing the respondent authorities to grant appointment in favour of the applicant in the post of Group-D post under Western Circle-II in the Irrigation and Waterways Department, Government of West Bengal in connection with the selection process which was initiated in the year 2007-08 forthwith;</p> <p style="text-align: center;">(B) Appropriate order be passed</p>	

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	<p>directing the respondent authorities to cancel the impugned memo no. 2266 dated 5.11.2015.”</p> <p>Heard Mrs.S.Mitra, learned advocate for the applicant and Mr.A.L.Basu, learned advocate for the State respondents. It appears that the issue is covered by the judgement delivered on 10<sup>th</sup> January, 2019 in OA-644 of 2015 (Lab Roy &amp; 5 Ors. Vs. The State of West Bengal &amp; Ors.) and in OA-670 of 2015 (Susanta Kumar Giri &amp; 15 Ors. Vs. The State of West Bengal &amp; Ors.) the relevant portion of which is as under:</p> <p>“Heard learned advocate for the parties.</p> <p>It appears that the names of the selected candidates, that is the applicants herein, were before Sub-committee 3 and the entire selection process under Sub-committee 3 was rejected/cancelled by the order of the Secretary in the memo dated 21<sup>st</sup> July, 2010 as per recommendation of the Chairman, Central Selection Committee of South Bengal</p>	

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	<p>due to procedural defects. As it was rejected, the applicants were not included in the select list and thus no communication was issued to them. The said cancellation order was published on 24<sup>th</sup> July, 2010 in Ananda Bazar Patrika. In view of the rejection of the panel, the question of withholding of the panel, as alleged, does not arise. We also find that the averments made in paragraph 7,8 and 9 of the reply have not been effectively dealt with in the rejoinder.</p> <p>During hearing, on a query the learned advocate for the applicant has submitted that this application has been moved pursuant to the leave granted in paragraph 7 of the order dated 20<sup>th</sup> February, 2015 passed in the contempt proceedings. Looking at the Supreme Court order dated 20<sup>th</sup> February, 2015 we find that in paragraph 6 of the said order the authorities were directed “ to issue appropriate communications/ letters to those candidates/ petitioners who could not be issued letters of appointment.....” and</p>	

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BLR	<p>in paragraph 7 if aggrieved “by the said communication/letter” the Supreme Court had granted “<i>liberty to approach the appropriate forum for appropriate relief in accordance with law</i>”. In the instant case on a query the learned advocate for the applicant submitted that he has not received any communication/letter. As the applicants were not issued any communication/letter, the submission that they were at liberty to approach the appropriate forum, that is the Tribunal, cannot accepted. Therefore, for the reasons as aforesaid, there is no merit in the applications. The applications are dismissed”.</p> <p>Since the issue is admittedly covered by the said judgement, no further order need be passed. The application is dismissed.</p> <p><b>(P. RAMESH KUMAR)</b> <b>MEMBER (A)</b></p> <p><b>(SOUMITRA PAL)</b> <b>CHAIRMAN</b></p>	