

ORDER SHEET
West Bengal Administrative Tribunal

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

Case No. **OA 1083 of 2017**

Satya Prakash Mishra

Versus

The State of West Bengal & Ors.

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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03/04/2019

For the Applicant : Mr. M.N. Roy,
Ld. Advocate.

For the State Respondent : Mr. A.L. Basu,
Ld. Advocate.

Having heard Learned Counsel representing both parties, we are of the view that officials who are junior to the present applicant in the service and who got promotion to the post of Superintendent of Central Correctional Home need to be impleaded as private respondents, as the rights of those officials will be adversely affected in case application succeeds. Accordingly, the applicant is directed to implead all the officials who are junior to the applicant but already got promotion to the cadre of Superintendent of Central Correctional Home as private respondent by way of amendment of cause-title of the original application within a period of 01 (one) week. Liberty is given to advocate on record for the applicant to carry out the said amendment within the time frame given by us.

The applicant is directed to serve notice and copy of the original application and supplementary

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	<p>application, if any, on all the added private respondents by speed post within a period of 04 (four) weeks and file an affidavit of service in this regard on the next date of hearing.</p> <p>Mr. M.N. Roy, Learned Counsel for the applicant submits that the applicant will be highly prejudiced if the vacant post in the cadre of Superintendent of Central Correctional Home is filled up during pendency of hearing of the present application. He further submits that one post is lying vacant in the cadre of Superintendent of Central Correctional Home and he apprehends that the post will be filled up during pendency of the hearing of the present application. On the other hand, Mr. Basu, Learned Counsel representing the state respondents submits that he has no knowledge about existence of any vacancy in the cadre of Superintendent of Central Correctional Home.</p> <p>Since the applicant has prayed for promotion to the rank of Superintendent of Central Correctional Home, which was denied to him by relying on uncommunicated adverse entries in the ACR and since the officials who are junior to the applicants in the service have already got promotion to the rank of</p>	

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Csm	<p>Superintendent of Central Correctional Home, we are inclined to pass an interim order in such a way that the present application does not become infructuous in case the application succeeds. Accordingly, the respondents are directed not to fill up one vacant post in the cadre of Superintendent of Centrl Correctional Home till the final decision of the original application. List the matter under the heading ‘Hearing’ on June 28, 2019.</p> <p>Let a Plain Copy of the order be supplied to both parties.</p> <p>S. K. DAS MEMBER(A)</p> <p>R. K. BAG MEMBER(J)</p>	