

ORDER SHEET
West Bengal Administrative Tribunal

Present.-

The Hon'ble Justice Ranjit Kumar Bag

&

The Hon'ble Dr. Subesh Kumar Das

Case No. OA 292 of 2016

Ujjwal Kr. Das & Anr.

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.

1

2

3

13
07/08/2019

For the Applicants

: Mr. A. Hati,
Ld. Advocate.

For the State Respondent :

Mr. S. Bhattacharyya,
Depttl. Representative.

The applicants have prayed for direction upon the respondents for giving benefit of service to the applicants w.e.f. September 03, 1998 when one Arabinda Sarkar got appointment in the post of Lower Division Clerk (in short, L.D.C.).

It appears from the materials on record that the names of the applicants were sponsored by the Employment Exchange for participating in the recruitment process to fill up the post of L.D.C. in the District Level Office in the integrated set up of Land Reforms Administration. The applicants were successful in the written test, but they failed to qualify in the typing test for appointment to the post of Lower Division Clerk. The applicants approached the Tribunal along with other unsuccessful candidates by filing OA-815/1997 praying for their appointment in the post of L.D.C. On August 08, 2001, the Tribunal disposed of OA-815/1997 by rejecting the prayer of the applicants for appointment to the post of L.D.C.

ORDER SHEET – (Continuation)

Form No.

Ujjwal Kr. Das & Anr.
.....

Vs

The State of West Bengal & Others.
.....Case No. **OA 292 of 2016**

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>The said order of the Tribunal was challenged by the applicants and others before the Division Bench of the Hon'ble High Court by filing W.P.S.T. No. 1132/2001 on July 19, 2005. The Division Bench of the Hon'ble High Court disposed of W.P.S.T. No. 1132/2001 by holding that the applicants have no right to be appointed in the post of L.D.C. as they failed to qualify in the typing test. However, the Division Bench of the Hon'ble High Court gave an opportunity to the applicants to submit representation before the authority concerned, which would be considered for appointment to the post of Amin. In view of such opportunity granted to the applicants by the Division Bench of the Hon'ble High Court, the applicants submitted representation for being considered for appointment to the post of Amin and the said representation was favourably allowed in favour of the applicants by the Director of Land Records and Survey and Joint Land Reforms Commissioner, West Bengal by passing an order on May 30, 2006. Ultimately, the applicants got the order of appointment in the post of Amin from the District Land and Land Reforms Officer, Malda on September 26, 2006 and joined in the said post on September 28, 2006.</p> <p>With the above factual matrix, Mr. Hati, Learned</p>	

ORDER SHEET – (Continuation)

Form No.

Ujjwal Kr. Das & Anr.
.....

Vs

The State of West Bengal & Others.
.....Case No. **OA 292 of 2016**

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
Csm	<p>Counsel for the applicants contends that the applicants should be given benefit of service with effect from the date when appointment was given to one Arabinda Sarkar in the post of L.D.C. We are unable to comprehend how the applicants working in the post of Amin can compare themselves with the candidates including one Arabinda Sarkar who got appointment in the post of L.D.C. after passing the written test and the typing test in the relevant year. By no stretch of imagination the applicants can compare themselves with the employees who got appointment in the post of L.D.C. long before appointment of the applicant in the post of Amin on September 27, 2006. In our view, the claim made by the applicants is frivolous and as such the present application should be dismissed with exemplary cost. The logical inference of our above observation is that the original application is dismissed with cost of ₹ 10,000/- to be paid to the State respondent No. 1 in equal half share within a period of 06 (six) months from the date of passing of this order.</p> <p>S. K. DAS MEMBER(A)</p> <p>R. K. BAG MEMBER(J)</p>	