

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

**The Hon'ble Justice Ranjit Kumar Bag
& The Hon'ble Subesh Kumar Das**

Case No – OA 341 of 2015.

Chandan Deb – Vs- State of W.B. & 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>15 03.05.2018.</p>	<p>For the Applicant : Mrs. S. Mitra, Ld. Adv.</p> <p>For the State Respondents : Mr. S. Ghosh, Ld. Adv.</p> <p>The applicant participated in the selection process for recruitment to the post of Sub Assistant Engineer (Mechanical) on contractual basis under Water Resources Development Directorate, Government of West Bengal in response to the advertisement in the year 2014. The contention of the applicant is that his name appeared in serial No. 4 of the result sheet, whereas one Subhasis Ghosh whose name appeared in serial No. 59 of the said result sheet has already got the appointment. The further contention of the applicant is that the name of the applicant is absent from the list of 27 selected candidates for the post of Sub Assistant Engineer (Mechanical) . It is also contended that the name of the applicant was also absent from the list of 04 selected candidates whose names were subsequently published on January 20, 2015 for appointment to the post of Sub Assistant Engineer (Mechanical). By filing written</p>	

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	<p>objection to the status report submitted on behalf of the state respondents, the applicant has challenged the decision of the respondents that he was over aged for appointment to the post of Sub Assistant Engineer (Mechanical) on contractual basis. Mrs. Mitra, Learned Counsel for the applicant contends that the upper age limit of 30 years for recruitment to the post of Sub Assistant Engineer(Mechanical) in the Directorate of Water Resources Development will not be applicable in the present case of the applicant, as his name was sponsored by Employment Bank by the Director of Employment who has fixed the age limit from 18 to 45 years for recruitment to the said post. She further contends that the Department of Public Works, Government of West Bengal has intimated to the applicant on March 23, 2017 on the basis of application under Right to Information Act, 2005 that there was no age limit for engagement of Sub Assistant Engineer on contractual basis under Public Works Department and as such, the age limit as contended on behalf of the respondents cannot have any manner of application on the applicant.</p> <p>Mr. Ghosh, Learned Counsel for the state</p>	

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	<p>respondents submits that the maximum age limit for recruitment to the post of Sub Assistant Engineer (Mechanical) on contractual basis will be 30 years as disclosed in the advertisement of the year 2014, as the said age limit will be decided in terms of Notification No.3179-Estab.(Cell-II)/12A-17/91 dated November 04, 1997 of the Department of Water Investigation & Development and order No. 144-Estt(Cell II)/WI/O/12A-58/2009 dated January 21, 2014 issued by Department of Water Resources Investigation & Development. He further submits that the present applicant was over aged on 01st day of January of the year of advertisement and as such he could not be given appointment to the post of Sub Assistant Engineer (Mechanical) on contractual basis.</p> <p>Having heard Learned Counsel representing both parties and on consideration of the advertisement in question, we find that the age limit for the post of Sub Assistant Engineer(Mechanical) on contractual basis will be decided as per rule framed by the Government of West Bengal for direct appointment to the said post. In view of such disclosure in the advertisement itself, the maximum age limit for recruitment to the post of Sub Assistant Engineer(Mechanical) on contractual basis will</p>	

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	<p>be 30 years as per Notification dated November 04, 1997 and order dated January 21, 2014 which are disclosed in paragraph 4 of the status report submitted on behalf of the respondents. The age limit for engagement of Sub Assistant Engineer on contractual basis in Public Works Department can not have any application in the present case where recruitment is done by the Directorate of Water Resources Development. Moreover, it is immaterial whether the candidature of the applicant was sponsored by Employment Bank or the applicant submitted application directly in response to the advertisement in question as the age limit in the present case is to be decided on the basis of norms laid down in the advertisement itself.</p> <p>In view of our above findings, we do not find any merit in the submission made on behalf of the applicant. Since the applicant was over aged on the 01st day of January of the year of advertisement, he cannot be given appointment as contended on behalf of the applicant.</p> <p>As a result, the Original Application is dismissed.</p> <p>Let a Plain copy of the order be supplied to</p>	

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Skg.	<p>both parties.</p> <p>(S.K.Das) Member (A)</p> <p>(R.K.Bag) Member (J).</p>	

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