

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

**The Hon'ble JUSTICE RANJIT KUMAR BAG
& The Hon'ble DR. SUBESH KUMAR DAS**

Case No – OA 396 OF 2019

Fazlur Rahaman & Others 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
02 <hr/> 31.07.2019	<p><i>For the Applicants : Mrs. P. Majumder, Learned Advocate.</i></p> <p><i>For the State Respondents : Mr. S.N. Ray, Learned Advocate.</i></p> <p><i>Affidavit of service filed on behalf of the applicant today is kept on record.</i></p> <p><i>The applicants have prayed for direction upon the respondents for grant of promotion from the post of Krishi Projukti Sahayaks (In short KPS) to Sub-ordinate Agriculture Services Grade II (In short SAS Grade II) and other ancillary reliefs.</i></p> <p><i>The contention of the applicants is that they joined in the post of KPS under the control and supervision of Director of Agriculture, West Bengal. All the applicants retired from service. It is contended on behalf of the applicants that 520 KPS got promotion to the post of SAS Grade II cadre on the basis of order issued by the Director of Agriculture, West Bengal in compliance with the direction given by the Tribunal in OA 354 of 2010, but the applicants have not been considered for promotion at that point of time.</i></p> <p><i>The present applicants also moved the Tribunal by filing OA 481 of 2015 praying for the same relief for grant of promotion from KPS to SAS Grade II. The Additional</i></p>	

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Chief Secretary to the Government of West Bengal, Department of Agriculture passed reasoned order on January 15, 2019 in compliance with the direction giving by the Tribunal in OA 481 of 2015. It appears from the said reasoned order that the applicants did not come within the zone of consideration at the time of granting promotion to 520 KPS in terms of order of the Tribunal in OA No. 354 of 2010. Even the applicants did not come within the zone of consideration when 648 KPS were promoted to the cadre of SAS Grade II on July 30, 2015, as all the applicants retired from service before the date of promotion. On our specific query as to whether the applicants were superseded by any of their juniors in the service. Learned Counsel for the applicants fairly submitted that no juniors of the applicants got promotion from the post of KPS to the cadre of SAS Grade II while the applicants were in service. Naturally, the question of consideration of the applicants for grant of promotion from the post of KPS to the cadre of SAS Grade II does not arise.

In view of our above observation, the original application stands dismissed.

H.S

**(S.K.DAS)
Member (A)****(R.K.BAG)
Member (J)**