

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

Hon'ble Justice Soumitra Pal, Hon'ble Chairman.
& Hon'ble Mr. P. Ramesh Kumar, Administrative Member.

Case No. OA 41 of 2019.

SMT. SUNITA NAYEK – 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>3</p> <hr/> <p>6.2.2019.</p>	<p>For the Applicant : Mrs. S. Mitra, Advocate.</p> <p>For the State Respondent : Mr. G.P. Banerjee, Advocate.</p> <p>Affidavit of service filed today be kept on record.</p> <p>In this application the applicant, who was appointed as a contingent sweeper on compassionate ground pursuant to the memo dated 24th August, 1995, has prayed for a direction upon the respondents to consider the representation dated 26th November, 2018 praying for recording her service as a permanent Group D employee (sweeper) and to give promotional benefit of Career Advancement Scheme on completion of ten years and sixteen years of service in her salary as expeditiously as possible.</p> <p>Mrs. Sonali Mitra, learned advocate appearing on behalf of the applicant, submits that in view of the judgement delivered on 13th August, 2008 by the Supreme Court in Civil Appeal No. 5151-5152 of 2008 (arising out of SLP(C) Nos. 3820-3821 of 2008) : Union of India –v- Tarsem Singh (2008) 8 SCC 648, particularly the law laid down in paragraph 5 thereof, the applicant is</p>	

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Skg.	<p>entitled to the reliefs as prayed for and accordingly direction may be issued on the respondents to consider her representation dated 26th November, 2018, being annexure "C" to the application.</p> <p>Mr. G.P. Banerjee, learned advocate appearing on behalf of the respondent submits that since promotion if granted to the applicant is bound to affect the seniority of other employees, in view of the law laid down in Union of India -versus- Tarsem Singh (supra), particularly in paragraph 5, the applicant is not entitled to the reliefs as prayed for.</p> <p>Having heard Mrs. Mitra and Mr. Banerjee, learned advocates for the parties, in view of the law laid down in Union of India –versus- Tarsem Singh (supra), the promotional benefits given to the applicant may affect the settled rights of third parties or other employees, no order can be passed on this application. Therefore, no order is passed on the application. The application is disposed of. No order as to costs.</p> <p>(P. Ramesh Kumar) Member(A).</p> <p>(Soumitra Pal) Chairman.</p>	

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