

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

The Hon'ble JUSTICE RANJIT KUMAR BAG

& The Hon'ble DR. SUBESH KUMAR DAS

Case No – OA 452 OF 2016

Parimal Chandra Sarkar 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 style="text-align: center;">09</p> <hr/> <p style="text-align: center;">12.09.2018</p>	<p><i>For the Applicant : Mr. S. N. Ray Learned Advocate.</i></p> <p><i>For the Respondents : Mr. R.A. Chowdhury, Learned Advocate.</i></p> <p style="text-align: center;"><i>The applicant has prayed for direction upon the respondents no. 3 for giving benefit of the reasoned order dated November 26, 2015 passed by the said respondent in compliance with the order dated August 20, 2015 passed in OA 584 of 2014 and other ancillary reliefs.</i></p> <p><i>The applicant joined in the post of Basic Grade Typist on February 19, 1997 in the office of the Deputy Director of Accounts, School Education Department, Dakshin Dinajpur. The contention of the applicant is that he was placed at serial no. 35 in the provisional gradation list of Basic Grade Typist published in the year 2012. The further contention of the applicant is that the applicant is entitled to get promotion with effect from March 20, 2013 when his immediate junior in the service got promotion. The applicant previously approached the Tribunal praying for promotion and other benefits of service by filing OA 584 of 2014. On August 20, 2015 the said OA 584 of 2014 was disposed of by this Tribunal by directing</i></p>	

ORDER SHEET

Parimal Chandra Sarkar

Form No.

.....

Vs.

The State of West Bengal & Ors.

Case No. OA 452 OF 2016

.....

the respondent no. 3 to pass a reasoned order in connection with the promotion of the applicant. It appears from the reasoned order passed by the respondent no. 3 on November 26, 2015 (Annexure F to the original application) that the applicant did not get promotion in due time as the vigilance clearance report of the applicant was not received by the Directorate in time and thereby the applicant was deprived of the opportunity to get promotion in due time for no fault on his part. The respondent no. 3 has accepted the claim of the applicant to get promotion to the post of Grade I Typist and the matter has been referred to the Finance Department, Government of West Bengal.

Having heard Learned Counsel representing both parties and on consideration of the reasoned order passed by respondent no. 3 on November 26, 2015, we are of the view that the retrospective effect of promotion cannot be given to the applicant in view of the provisions of Rule 26 of West Bengal Service Rules, Part-I. However, the applicant must be placed in the gradation list of the promotional post with effect from the date when his immediate junior got the promotion in terms of Memo No. 368/1(2)-A dated March 20, 2013. The applicant is also entitled to get notional benefit of scale of pay of the promotional post with effect from the date when his immediate junior got the said benefit in terms of Memo

ORDER SHEET

Parimal Chandra Sarkar

Form No.

.....

Vs.

The State of West Bengal & Ors.

.....

Case No. **OA 452 OF 2016**

No. 368/1(2)-A dated March 20, 2013.

Accordingly, the respondent no. 3, Director of Public Instruction, West Bengal, Education Directorate is directed to give notional benefit of scale of pay of the promotional post of the applicant with effect from March 20, 2013 and actual financial benefit with effect from November 26, 2015 within a period of twelve weeks from the date of communication of the order.

With the above direction, the original application stands disposed of.

Let a plain copy of the order be supplied to both parties.

**(S.K.DAS)
Member (A)**

**(R.K.BAG)
Member (J)**

H.S