

ORDER SHEET

West Bengal Administrative Tribunal

Present.-

The Hon'ble Justice Ranjit Kumar Bag

&

The Hon'ble Dr. Subesh Kumar Das

Case No. OA 457 of 2019

Asit Mukhopadhyay

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.

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02/12/2019

For the Applicant : Mrs. S. Mitra,
Ld. Advocate.

For the State Respondent : N O N E.

The applicant has prayed for direction upon the respondents for granting him promotion in the higher post on the basis of the representation submitted by him on October 13, 2017 before the respondent no. 2 and other consequential reliefs.

The contention of the applicant is that he was initially appointed as Banashramik on contractual basis in terms of the order dated May 30, 1997 issued by the Divisional Forest Officer, Howrah Social Forestry Division. The list of 19 Banashramiks was prepared by the Divisional Forest Officer, Howrah Social Forestry Division on May 18, 2006 for the purpose of recruitment to fill up the post of Forest Guard by way of promotion from Group 'D' employees. The applicant was included in the said list of 19 Banashramiks and he was asked along with other Banashramiks to take part in the interview and to undergo test of physical fitness. On June 30, 2006, (06) six Banashramiks from the said list of 19 Banashramiks were granted promotion to the post of Forest Guard, but the applicant got promotion to the post of Forest Guard on January 04, 2011 in terms of the order issued by the Conservator of Forests, Parks

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	<p>and Gardens Circle, West Bengal. The grievance of the applicant is that he was not granted promotion in the year 2006 though he was asked to appear in the Interview Board and to undergo test of physical fitness in the year 2006. The applicant accepted the promotion granted to him in the year 2011 and joined in the post of Forest Guard, but subsequently on October 13, 2017 he submitted one representation through proper channel before the respondent no. 2, Chief Conservator of Forests (HOFF), West Bengal praying for promotion granted to his colleagues in the year 2006.</p> <p>None appears on behalf of the state respondents inspite of service of notice. Mrs. Mitra, Learned Counsel for the applicant submits that the representation submitted by the applicant in the year 2017 has not yet been considered by the respondent no. 2. She further submits that the post of Forest Guard has been filled up by way of promotion from Group 'D' post in terms of the provisions of recruitment rules notified on December 14, 1998.</p> <p>Without resolving the dispute whether denial of promotion to the applicant to the post of Forest Guard in the year 2006 was justified under the law, the grievance of the applicant can be redressed if the representation submitted by the applicant on October 13, 2017 before the respondent no. 2 is considered by the said</p>	

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	<p>respondent in accordance with law and in terms of the provisions of recruitment rules for filling up the post of Forest Guard by way of promotion. In view of our above findings, the respondent no. 2, the Chief Conservator of Forests, (HOFF), West Bengal is directed to consider the representation submitted by the applicant before him on October 13, 2017 (annexure ‘V’, page 27 of the original application) in accordance with law and in terms of the provisions of the recruitment rules to fill up the post of Forest Guard by way of promotion from Group ‘D’ post on verification of office records by passing a reasoned order within a period of 12 (twelve) weeks from the date of communication of the order.</p> <p>With the above direction the original application stands disposed of.</p> <p>Let a Plain Copy of the order be supplied to the applicant.</p> <p>S. K. DAS MEMBER(A)</p> <p>R. K. BAG MEMBER(J)</p>	

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