

ORDER SHEET**WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-****The Hon'ble Justice Soumitra Pal (Chairman)****& The Hon'ble P.Ramesh Kumar (Administrative Member)****Case No. OA-524 of 2018****BIVASH GHOSH & 8 ORS. 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;"><u>01</u> 23.08.18</p>	<p>For the Applicants : Mr.M.Karim Advocate</p> <p>For the Respondent : Mr.G.P.Banerjee Advocate</p> <p>Let affidavits of service affirmed on 9th August, 2016 and on 23rd August, 2018 filed, be kept on record. Though the matter has appeared under the heading "To be Mentioned", on the prayer of Mr.M.Karim, learned advocate for the applicant, it is taken up for hearing which Mr.G.P.Banerjee, learned advocate for the State respondent in his usual fairness does not oppose.</p> <p>In this application, the applicants have prayed for a direction upon the authorities to implement the orders passed by this Tribunal in OA-453 of 2015 (Rabi Sankar Das & Ors.) by issuing appointment letters in their favour for the post of Lower Division Clerk in the Agriculture Department and to allow them to join. It is submitted by Mr.Karim that though the Tribunal by judgment delivered on 7th June, 2016 had directed the respondent authorities to take immediate steps for offering appointment to the eligible and successful general exempted category candidates against the posts</p>	

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	<p>meant for general exempted category candidates within overall number of 331 vacancies and though thereafter out of 40, 30 applicants have been offered employment, 9 out of the remaining 10, who are the applicants herein, have not been offered with appointment. Prayer is that this application has been filed for implementation of the said order passed by the Tribunal on 7th June, 2016 in OA-453 of 2015. Submission is that though representations have been filed before the Director of Agriculture & Ex-Officio Secretary, Agriculture Department, Kolkata, the Respondent No. 4, those have not been considered. Prayer is for a direction upon the said respondent to grant appointment in accordance with law as has been done in the case of 30 others who were also party to the proceedings in OA-453 of 2015. Though representations have been filed appearing at pages 163 to 172 of this application, those are yet to be considered. Hence, this application has been filed.</p> <p>Mr.G.P.Banerjee, learned advocate appearing on behalf of the State respondents submits that he does not stand in the way of representations being considered by the respondent no.4.</p>	

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	<p>Heard Mr.Karim and Mr.G.P.Banerjee. It appears that the Case no. OA-453 of 2015 (Rabi Sankar Das & Ors. Vs. State of West Bengal & Ors.) was disposed on 7th June, 2015 by passing an order, the relevant portion of which is as under:</p> <p><i>“We accordingly direct the respondent authorities to take immediate steps for offering appointment to the eligible and successful general non-exempted category candidates against the posts meant for general exempted category candidates within the overall number of 331 vacancies. If the applicants come within the zone of consideration, they shall be offered appointment without delay. The entire exercise shall have to be completed within the period of 12 (twelve) weeks from the date of communication of this judgment.”</i></p> <p>It is an admitted position that in OA-453 of 2015, 40 applicants had filed the said application. Out of the said 40 applicants, Department had issued appointment letters to the 30 applicants. Out of remaining 10 applicants, 9 have filed this application. As the applicants are similarly situated, prayer is for a direction upon respondent no. 4 to consider their cases and to give appointment as has been done in the case of 30 others.</p>	

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BLR	<p>Having heard the learned advocates for the parties and considering the facts and circumstances of the case, this Original Application is disposed of by directing the Director of Agriculture & Ex-Officio Secretary, Agriculture Department, Kolkata, the respondent no. 4 to dispose of the representations filed by the 9 applicants, which have been annexed to the Original Application, by passing a reasoned order in accordance with law to be communicated to the parties within 10 weeks from the date of presentation of copy of this order after giving an opportunity of hearing to each of the applicants, after verifying the records and keeping in mind the earlier order in OA-453 of 2015 passed by the Tribunal.</p> <p style="text-align: center;"> (P.RAMESH KUMAR) MEMBER(A) </p> <p style="text-align: center;"> (SOUMITRA PAL) CHAIRMAN </p>	