

**ORDER SHEET**  
**West Bengal Administrative Tribunal**

Present.-  
The Hon'ble Justice Ranjit Kumar Bag  
&  
The Hon'ble Dr. Subesh Kumar Das

Case No. **OA - 586 of 2017**

*Krishna Chandra Roy*

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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07  
21/02/2019

***For the Applicant*** : *Mr. S.N. Ray,*  
*Ld. Advocate.*

***For the State Respondent :*** *Mr. S. Ghosh,*  
*Ld. Advocate.*

*The applicant has prayed for direction upon the respondents to give effect of appointment to the applicant in the post of Technical Assistant, Grade II of West Bengal Sub-ordinate Health Services (NMTP cadre) w.e.f. September 25, 1981 and to give all consequential benefits to the applicant.*

*It appears from the materials on record that the applicant was appointed as Technical Assistant, Grade III, of the Sub-ordinate Health Service of West Bengal on September 25, 1981. The applicant got promotion to the post of Technical Assistant, Grade II on May 28, 2013 w.e.f. February 01, 2007. Admittedly, the applicant retired from service on November 30, 2016.*

*With the above factual matrix, Mr. S.N. Ray, Learned Counsel for the applicant contends that the applicant was eligible for appointment to the post of Technical Assistant, Grade II of Sub-ordinate Health Service of West Bengal, but he was appointed as Technical Assistant, Grade III on September 25, 1981.*

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	<p><i>Mr. Ray has relied on several representations submitted by the applicant to treat his initial appointment in the post of Technical Assistant, Grade II and to grant him promotion to the higher post as soon as the applicant acquired eligibility for promotion to the higher post. We have also heard Mr. Ghosh, Learned Counsel representing the state respondents.</i></p> <p><i>Having heard Learned Counsel representing both parties and on consideration of the materials on record we find that Directorate of Health Services, Government of West Bengal invited applications to fill up post of Medical Technologist (Lab) in Grade III of NMTP Cadre of Sub-ordinate Health Service of West Bengal. The name of the applicant was forwarded by the Employment Exchange along with other candidates in response to invitation of the application by the Directorate of Health Services. The applicant was selected after interview in the post of Medical Technologist (Lab) in Grade III in NMTP Cadre of Group 'A' of Sub-ordinate Health Service of West Bengal. The applicant joined in due course in the said post of Medical Technologist (Lab) in Grade III of NMTP Cadre on September 25, 1981. Since the name of the applicant was forwarded by the Employment Exchange for recruitment to the post of Medical Technologist (Lab) in</i></p>	

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	<p><i>Grade III of NMTP Cadre and since the applicant joined in the said post after selection, we do not find any merit in the submission made on behalf of the applicant that the applicant should have been appointed in the post of Medical Technologist (Lab) in Grade II only because the applicant acquired the eligibility in getting appointment in the post of Medical Technologist (Lab) in Grade II of NMTP Cadre at the time of his initial appointment.</i></p> <p><i>With regard to the submission made on behalf of the applicant that the applicant should have been promoted to the post of Medical Technologist (Lab) in Grade II w.e.f. September 25, 1989 when the applicant acquired eligibility for the said promotion, we would like to hold that promotion is not a matter of right of any government employee. It is the discretion of the appointing authority to fill up the vacancies of the promotional post by taking into consideration the eligible candidates in terms of the rules by which the said candidates are governed. There is nothing on record to indicate that the applicant was not considered for promotion to the post of Medical Technologist (Lab), Grade II by the authority concerned, when the vacancies in the said promotional posts were filled up. No scrap of paper is placed on record by the applicant to indicate that the applicant has been superseded by</i></p>	

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	<p><i>his juniors in getting promotion to the post of Medical Technologist (Lab) in Grade II w.e.f. February 01, 2007. Since the applicant has been duly considered for promotion to fill up the post of Medical Technologist (Lab), Grade II along with other eligible candidates when the vacancies in the said promotional post were filled up by the respondents, we do not find any logic in the submission made on behalf of the applicant that the applicant should have been promoted to the post of Medical Technologist (Lab) in Grade II when he acquired eligibility for the said promotion on September 25, 1989.</i></p> <p><i>In view of our above findings, we do not find any merit in the present application. As a result, the original application is <b>dismissed</b>.</i></p> <p><i>Let a <b>Plain Copy</b> of the order be supplied to both the parties.</i></p> <p style="text-align: center;"><b>S. K. DAS</b> <b>MEMBER(A)</b></p> <p style="text-align: center;"><b>R. K. BAG</b> <b>MEMBER(J)</b></p>	