

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

**The Hon'ble JUSTICE RANJIT KUMAR BAG
& The Hon'ble DR. SUBESH KUMAR DAS**

Case No – OA 633 OF 2016

Raghunath Roy & Others 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;">10</p> <hr/> <p>24.09.2019</p>	<p><i>For the Applicants : Mr. M. Chakraborty, Mr. A. Chatterjee, Mr. N. Karmakar, Learned Advocates.</i></p> <p><i>For the Respondents : Mr. S.N. Ray, Learned Advocate.</i></p> <p style="text-align: center;"><i>The applicants have prayed for direction upon the respondents to consider the representation submitted by the applicants in accordance with law.</i></p> <p style="text-align: center;"><i>The applicants joined in the post of Clerk-cum-Cash Collector in the Directorate of Dairy Development, Government of West Bengal. Some Clerk-cum-Cash Collectors in the Directorate of Dairy Development approached the Hon'ble High Court by filing a writ application (C.O. No. 8793(W) of 1984 disposed of May 15, 1986) praying for benefit of promotion in the ratio of 1:1 by citing the analogy of promotion from the post of Lower Division Clerk to the post of Upper Division Clerk in the ratio of 1:1. Ultimately, the Division Bench of the Hon'ble High Court decided the fate of the said writ application in the writ appeal on February 29, 1988 by delivery of judgment which was implemented by the State Government by issuing memorandum dated January 31,</i></p>	

ORDER SHEET

Raghunath Roy & Others

Form No.

.....
Vs.

The State of West Bengal & Ors.
.....

Case No. OA 633 OF 2016

1991 issued by the Deputy Secretary to the Government of West Bengal, Department of Animal Resources Development. Subsequently, the Upper Division Clerks/Upper Division Assistants working under the Government of West Bengal got further benefit of promotion to the posts of Head Clerk/Head Assistant and in the supervisory posts of Head Clerks in terms of Memorandum No 1682-F dated February 23, 2009 issued by the Finance Department, Audit Branch, Government of West Bengal. Without belonging to the cadre of Lower Division Clerk/Upper Division Clerk, the applicants wanted the benefit of further promotion in terms of the said Memorandum Dated February 23, 2009. Accordingly, the applicants submitted one representation before respondent no. 4 on December 12, 2011 followed by representation submitted before respondent no. 1 on February 11, 2014 by enclosing copy of the previous representation submitted on December 03, 2013. The grievance of the applicants is that the said representation has not yet been considered by the concerned respondents.

Having heard Learned Counsel representing both parties and on consideration of the materials on record, we of the view that the issue of grant of further promotion to the applicants can be considered only by the Departmental Secretary in consultation with the Department of Finance, Government of West Bengal.

ORDER SHEET

Raghunath Roy & Others

Form No.

Vs.

The State of West Bengal & Ors.

Case No. OA 633 OF 2016

Accordingly, we direct the respondent no. 1, Principal Secretary to the Government of West Bengal, Department of Animal Resources Development to consider the representation submitted by the applicants on January 11, 2014 by taking a decision in accordance with law in consultation with the Department of Finance, Government of West Bengal within a period of sixteen weeks from the date of communication of the order and intimate the decision to the applicant no. 1 Raghunath Roy within a period of four weeks thereafter.

With the above direction, the original application is 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