

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

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

Case No – OA 639 OF 2018

Samir Kumar Bagchi 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;">01</p> <hr/> <p style="text-align: center;">29.08.2018</p>	<p><i>For the Applicant : Mr. A. Lahiri, Mr. S.K. Mondal, Learned Advocates.</i></p> <p><i>For Respondent No. 1&2 : Mr. M.N. Roy, Learned Advocate.</i></p> <p><i>For Respondent No. 3 &4 : Mrs. S. Agarwal, Learned Advocate.</i></p> <p style="text-align: center;"><i>The original application is admitted for hearing.</i></p> <p style="text-align: center;"><i>The respondents are directed to file reply within a period of four weeks and rejoinder, if any, may be filed by the applicant within a period of two weeks thereafter.</i></p> <p style="text-align: center;"><i>Mr. A.K. Lahiri, Learned Counsel for the applicant submits that the applicant got promotion to the post of Assistant Engineer from the post of Sub-Assistant Engineer by virtue of the order of the Tribunal. He further submits that the applicant would have been exempted from appearing at the Departmental Examination on the basis of existing notification and the rules, but the seniority of the applicant is ignored at the time of consideration of Assistant Engineers for promotion to the post of Executive Engineer. He also submits that the applicant attained the age of 52 years at the time of</i></p>	

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his actual joining in the post of Assistant Engineer by the order of the Tribunal. On the other hand, Mrs. S. Agarwal, Learned Counsel representing the respondent no. 3 & 4 submits that the applicant was less than 52 years of age at the time of promotion to the post of Assistant Engineer and thereby the applicant was not exempted from appearing at the Departmental Examination and as such the applicant lost seniority for the purpose of consideration for promotion to the post of Executive Engineer.

Having heard Learned Counsel representing both parties, we are not in a position to decide the disputed issue without exchange of reply and rejoinder between the parties. However, the process of promotion from the post of Assistant Engineer to the post of Executive Engineer if already initiated by the state respondents should not be stopped, though the said promotion must abide by the decision of the present original application.

Accordingly, the process for consideration for promotion to the post of Executive Engineer should be continued by the state respondents, subject to the final decision of the present original application. If the applicant is not found eligible for consideration of promotion to the post of Executive Engineer, the state respondents are directed to keep one post of Executive Engineer vacant till the final decision of the original

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application. This interim order will continue till the final decision of the original application.

List the matter under the heading “Reply/rejoinder” on 10.10.2018.

(S.K.DAS)
Member (A)

(R.K.BAG)
Member (J)

H.S