

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

The Hon'ble JUSTICE RANJIT KUMAR BAG

& The Hon'ble DR. SUBESH KUMAR DAS

Case No – OA 659 OF 2018

Bidyut Kumar Nandi 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 & 4 : Mr. M.N. Roy, Learned Advocate.</i></p> <p><i>For Respondent No. 3 : 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><i>Mr. A.Lahiri, Learned Counsel for the applicant contends that the applicant got promotion to the post of Assistant Engineer from the post of Sub Assistant Engineer by virtue of the order passed by the Tribunal. He further submits that the applicant joined in the post of Assistant Engineer by promotion on officiating basis by virtue of notification dated August 06, 2013 and he actually joined in the post of Assistant Engineer on August 26, 2013, when the applicant was aged 53 years. He also submits that the increment of the applicant has been stopped and he apprehends that his name may not be</i></p>	

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considered ultimately for promotion to the post of Executive Engineer for not passing departmental examination, though clearance of departmental examination of the applicant has been dispensed with by the notification and the rules by which the applicant is governed.

We have also heard Learned Counsel representing respondents. It appears from document marked by annexure A12 to the original application that the order from PAR Department is awaiting in connection with exemption of the applicant from appearing in the Departmental Examination after joining the post of Assistant Engineer due to crossing of the age of 52 years.

Under the above circumstances, the state respondents are directed to continue the process of promotion to fill up the post of Executive Engineer, 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 by the state respondents, one post in the cadre of Executive Engineer must be kept vacant by the state respondents till the final decision of the present original application. This interim order will continue till the final decision of the original application.

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<p><i>H.S</i></p>	<p><i>List the matter under the heading</i> <i>“Reply/rejoinder” on 10.10.2018.</i></p> <p>(S.K.DAS) Member (A)</p> <p>(R.K.BAG) Member (J)</p>	
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