

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

Present.-  
The Hon'ble  
&  
The Hon'ble

**Case No. OA – 68 of 2018**

*Madhurima Guha Roy*

Versus

*The State of West Bengal & Others.*

Serial No. and  
date of order

Order of the Tribunal  
with signature

Office action with date  
and dated signature of  
parties when necessary.

1

2

3

03  
28/03/2018

**For the Applicant** : *Mr. Dibyendra Narayan Ray,*  
*Mr. Gourav Halder,*  
*Advocates.*

**For the State Respondents** : *Mr. Sankha Ghosh,*  
*Advocate.*

*The instant application has been filed  
praying for a direction for promotion to the post of  
Assistant Superintendent (Non Medical), Grade – I.*

*According to the applicant, she was  
appointed to the post of Assistant Superintendent  
(Non Medical), Grade – II vide notification dated  
28/04/2011 and as per final gradation list dated  
18/07/2016, she has been placed at serial no. 31  
of the gradation list. Therefore, she is eligible to be  
considered for promotion to the post of Assistant  
Superintendent (Non Medical), Grade – I. However,  
surprisingly, one Mr. Kallol Khan, who is in  
seniority list at serial no. 42, has been promoted to  
the post of Assistant Superintendent (Non Medical),  
Grade – I vide notification dated 27/12/2017.  
According to the applicant, this is a non selection  
post and seniority cum merit (consideration of  
ACR/service record) is the criteria if any employee  
working continuously for five years.*

**ORDER SHEET – (Continuation)**

Form No.

*Madhurima Guha Roy*  
.....

Vs

*The State of West Bengal & Others*  
.....Case No **OA – 68 of 2018**

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><i>After being aggrieved with, the applicant has filed representation before the Director of Health Services, Department of Health &amp; Family Welfare and the Joint Secretary(MA), Department of Health &amp; Family Welfare stating the fact of the case on 06/01/2018, however, with no effect.</i></p> <p><i>During the course of the hearing, the applicant has prayed for an interim direction of staying of promotion and to restrain the respondents from giving further promotion to the post of Assistant Superintendent (Non Medical), Grade – I without considering the criteria of the applicant till disposal of the instant OA.</i></p> <p><i>The Counsel for the respondents has prayed for time to file reply and has also objected on interim relief.</i></p> <p><i>Heard both the parties and perused the records.</i></p> <p><i>During the course of the hearing, it is noted that the applicant is at serial no.31 in the gradation list dated 18/07/2016, whereas, Mr. Kallol Khan is at serial no. 42. Therefore, admittedly, he is junior to the applicant.</i></p> <p><i>In view of the above, as a prima facie case has been made out by the applicant, we direct the</i></p>	

**ORDER SHEET – (Continuation)**

Form No.

*Madhurima Guha Roy*  
.....

Vs

*The State of West Bengal & Others*  
.....Case No **OA – 68 of 2018**

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
<i>Rajat</i>	<p><i>respondents to file reply by four weeks and rejoinder, if any, by two weeks thereafter.</i></p> <p><i>However, any promotion given in the meantime would abide by the outcome of this OA.</i></p> <p><i>During the course of the hearing, the Counsel for the applicant has prayed for leave to add Mr. Kallol Khan as a private respondent. Leave is granted. The applicant is directed to serve a copy of the OA to the private respondent within one week.</i></p> <p><i>Let the matter be listed on <b>05.06.2018</b>.</i></p> <p><b>Dr. A. K. CHANDA</b> <b>MEMBER(A)</b></p> <p><b>URMITA DATTA (SEN)</b> <b>MEMBER(J)</b></p>	

**ORDER SHEET – (Continuation)**

Form No.

*Madhurima Guha Roy*  
.....

Vs

*The State of West Bengal & Others*  
.....Case No **OA – 68 of 2018**

Serial No. and date of order	Order of the Tribunal with signature	Office action with date and dated signature of parties when necessary.
1	2	3