

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

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

Case No. **OA - 708 of 2018**

*Krishnendu Bikash Sarkar*

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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01  
27/11/2018

**For the Applicant** : *Mr. A.K. Das Sinha,*  
*Ld. Advocate.*

**For the State Respondent** : *N O N E.*

*The applicant has prayed for direction upon the respondents for re-fixation of seniority of the applicant and grant of higher scale of pay on cancellation of order dated May 15, 2013 issued by the Additional Chief Engineer, Public Works Department (Roads), Government of West Bengal.*

*The contention of the applicant is that the Private Respondents have been given appointment in the post of 4th Grade Clerk under PW (Roads) Directorate with retrospective effect and all consequential benefits including seniority, whereas the applicant being placed above the Private Respondents in the merit list has been deprived of seniority and higher scale of pay. Mr. Das Sinha, Learned Counsel has referred to the decision passed by the Hon'ble Supreme Court and the Hon'ble High Court on the basis of which the impugned order under challenge was passed by the Additional Chief Engineer, Public Works Department (Roads), Government of West Bengal. He further submits that*

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	<p><i>the applicant is entitled to get seniority and higher scale of pay at par with the Private Respondents, but the representation submitted by the applicant in this regard before the authority concerned has not yet been disposed of.</i></p> <p><i>None appears on behalf of the state respondents and private respondents inspite of service of notice as reflected from the affidavit of service which is kept on record.</i></p> <p><i>With regard to the prayer of the applicant for quashing of the impugned order dated May 15, 2013 issued by the Additional Chief Engineer, Public Works Department (Roads), Government of West Bengal, we find that the said impugned order was passed by the Additional Chief Engineer in compliance with the direction given by the Hon'ble Supreme Court in petition for Special Leave to Appeal (Civil) No. 9665/2010 in the matter of "Kshiti Goswami &amp; Ors Vs Subrata Kundu &amp; Ors". Since the impugned order was passed by the Additional Chief Engineer, Public Works Department (Roads), Government of West Bengal in compliance with the direction given by the Hon'ble Supreme Court, we do not find any merit in the prayer of the applicant for quashing of the said impugned order. Accordingly,</i></p>	

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Csm	<p><i>prayer of the applicant for quashing of the impugned order dated May 15, 2013 is rejected.</i></p> <p><i>With regard to the prayer of the applicant for getting benefit of higher scale of pay and seniority at par with the private respondents, we find that the applicant submitted one representation before the Respondent No. 2, Additional Chief Engineer, (Headquarters), PW (Roads) Directorate on July 14, 2016 and the said representation has not yet been considered by the concerned respondent. Accordingly, we direct the respondent no. 2, Additional Chief Engineer, (Headquarters), PW (Roads) Directorate to consider the representation submitted by the applicant on July 14, 2016 by passing a reasoned order in accordance with law within a period of 16 (sixteen) weeks from the date of communication of the order and to communicate the result of the same to the applicant within a period of 2 (two) weeks thereafter. With the above direction, the present application is <b>disposed of</b>.</i></p> <p><b>S. K. DAS</b> <b>MEMBER(A)</b></p> <p><b>R. K. BAG</b> <b>MEMBER(J)</b></p>	

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