

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

The Hon'ble JUSTICE RANJIT KUMAR BAG

& The Hon'ble DR. SUBESH KUMAR DAS

Case No – OA 783 OF 2016

Smt Kalpana Rani Das 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;">09</p> <hr/> <p style="text-align: center;">10.12.2018</p>	<p><i>For the Applicant : Mr. A.K.Banerjee, Learned Advocate.</i></p> <p><i>For the State Respondents : Mr. A.L. Basu, Learned Advocate.</i></p> <p>The applicant has prayed for direction upon the respondents for granting the applicant promotion in the vacant post of Head Clerk of Inland Water Transport Directorate, Government of West Bengal.</p> <p>The applicant claims to have got promotion to the post of Upper Division Clerk (UDC) w.e.f. March 1, 2009 by order dated November 27, 2013 issued by the Director of Inland Water Transport Directorate, Department of Transport, Government of West Bengal. The contention of the applicant is that the applicant is the seniormost scheduled caste candidate for getting promotion to the post of Head Clerk. The further contention of the applicant is that 15th vacancy in 50 point roster is reserved for scheduled caste candidate, but the said vacancy has not been filled up on the basis of note submitted by the Finance Department, Government of West Bengal on January 9, 2014. It appears from the said note that the post of Head Clerk is lying vacant w.e.f. March 1, 2012 and the said post is reserved for</p>	

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scheduled caste candidate, as the said post is placed at 15th position in 50 point roster maintained by the Directorate. The note of the Finance Department further indicates that the suitable scheduled caste candidate is not available and thereby the said post will be carried forward and placed at 16th point in 50 point roster and the 15th vacancy in the roster may be filled up by seniormost UDC from the general category.

Learned Counsel representing the applicant contends that the respondent no. 2 recommended the name of one Bhriгу Ram Halder belonging to scheduled caste category for promotion to the post of Head Clerk, though the said candidate got promotion to the post of UDC w.e.f. April 1, 2012. Learned Counsel further submits that the applicant is the seniormost scheduled caste candidate eligible for promotion to the post of Head Clerk as the applicant got promotion to UDC w.e.f. March 1, 2009, whereas Bhriгу Ram Halder got promotion to the post of UDC w.e.f. April 1, 2012.

Mr. Basu, Learned Counsel representing the state respondents, submits that in the absence of gradation list on record, the Tribunal cannot decide who is the seniormost candidate for promotion to the post of Head Clerk.

Having heard Learned Counsel representing both parties we find that the vacancy of Head Clerk arose on March 1, 2012

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and placed at 15th point in 50 point roster reserved for scheduled caste candidate. The said vacancy was not filled up for non-availability of eligible Scheduled Caste candidate. Since the applicant claims to be eligible for promotion to the post of Head Clerk as scheduled caste candidate, we do not find any justification in the observation of the Finance Department that 15th vacancy in 50 point roster will be carried forward and placed at 16th position in the roster. We are not aware whether other candidates are also eligible for consideration for promotion to the post of Head Clerk in the Inland Water Transport Directorate, Government of West Bengal. Accordingly, we are of the view that the case of the applicant should be considered along with other eligible candidates, if any, for grant of promotion to the post of Head Clerk.

Under the above circumstances, we direct the respondent no. 1, Principal Secretary to the Government of West Bengal, Department of Transport to consider whether the applicant is entitled to get promotion to the post of Head Clerk in the Directorate of Inland Water Transport, Department of Transport, Government of West Bengal by taking into consideration the candidature of all eligible UDCs, in accordance with law by passing a reasoned order within a period of 12 (twelve) weeks from the date of communication of the order and take necessary follow up action, if any, after giving an intimation to the applicant within a period of 4 (four) weeks thereafter.

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With the above direction, the original application is
disposed of.

Let a plain copy of this order be supplied to both parties.

(S.K.DAS)
Member (A)

(R.K.BAG)
Member (J)

H.S

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