

ORDER SHEET**WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-**

Hon'ble Justice Soumitra Pal, Hon'ble Chairman.
& Hon'ble Mr. P. Ramesh Kumar, Administrative Member.

Case No. OA 927 of 2015.

SHRI SUKUMAR DEBNATH & ANOTHER –Versus- THE STATE OF W.B. & 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>19 14.3.2019.</p>	<p>For the Applicants : Mrs. S. Agarwal, Advocate.</p> <p>For the State Respondent : Mr. G.P. Banerjee, Mr. B.P. Roy, Advocates.</p> <p>For the P.S.C.W.B. : Mr. A.L. Basu, Mr. S. Bhattacharjee, Advocates.</p> <p>In this application Sukumar Debnath and Pratap Ghosh, the applicant nos. 1 and 2, stated to be in the land loser category, have prayed for the following reliefs :-</p> <p><i>“...The Hon’ble Tribunal may be pleased to pass an order restraining the respondents from giving any effect or further effect to the impugned Modified list of candidates of ASI Excise-13 (2ND.list) and further restraining the respondents from making any change/and/or delete the names of the applicants from the list of nominated candidates of ASI Excise-13 (2nd List) where the names of the applicants are there and further directing the respondents to treat the List of nominated candidates of ASI Excise-13 (2nd list) as valid and genuine and thereby issue appointments in favour of the</i></p>	

ORDER SHEET

SHRI SUKUMAR DEBNATH & ANOTHER .

Form No.

Vs.

THE STATE OF W.B. & ORS.

Case No. **OA 927 of 2015.**

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>applicants as ASI, Excise Department, Government of West Bengal at the earliest and thereby do justice to the applicants.....”.</i></p> <p>The matter was admitted on 15th September, 2015. Apart from issuing directions to file reply and rejoinder, an interim order was passed directing that “.....<i>pending hearing of this application, two posts shall be kept vacant in respect of the Assistant Sub-Inspector of Excise Recruitment Examination, 2013....”.</i></p> <p>Mrs. S. Agarwal, learned advocate appearing on behalf of the applicants submits that during the pendency of the application since Pratap Ghosh has got an employment, she is not pressing the case of the said applicant. So far as the case of Sukumar Debnath is concerned, referring to the merit list appearing at page 35 of the application, it is submitted that admittedly the said applicant belonged to the BC:B (EC) category. In the said category there were five vacancies. It is evident from page 35 of the reply that there were five successful candidates and the applicant stood fifth in the said category. As Pratap Ghosh and Dipak Biswas have already been appointed and three vacancies still remain,</p>	

ORDER SHEET

SHRI SUKUMAR DEBNATH & ANOTHER .

Form No.

Vs.*THE STATE OF W.B. & ORS.*Case No. **OA 927 of 2015.**
.....

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>appropriate order may be passed directing the authorities to appoint Sukumar Debnath.</p> <p>Mr. B.P. Roy, learned advocate appearing on behalf of the State respondents referring to the reply submits that though there were five vacancies, however the applicant could not be appointed as the life of the panel has expired. Mr. A.L. Basu, learned advocate for the Public Service Commission, West Bengal supports the submission of the State.</p> <p>Heard learned advocates for the parties. Admittedly there were five vacancies in the OBC:B [EC] category as evident from page 35 of the application as well as from page 2 of the reply filed by the State. In order of merit the applicant stood fifth. Sukhdeb Banik and Dipak Biswas the other successful candidates were appointed. In the said category three vacancies still remain. Since Pratap Ghosh the other applicant is not interested for reasons mentioned hereinbefore, two candidates still remain to be appointed. Sukumar Debnath, the applicant is one of them. As there are three vacancies in the OBC:B[EC] category, in our view the applicant has made out a case for appointment. Since the</p>	

ORDER SHEET

SHRI SUKUMAR DEBNATH & ANOTHER .

Form No.

Vs.*THE STATE OF W.B. & ORS.*Case No. **OA 927 of 2015.**

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
Skg.	<p>matter has been pending before the Tribunal, the submission of the State that as the life of the panel has expired appointment cannot be given, is not acceptable. Hence for the reasons as aforesaid, the Principal Secretary, Excise Department, Government of West Bengal – the respondent no. 1(a), now redesignated as Additional Chief Secretary, is directed to appoint Sukumar Debnath, the applicant, as Assistant Sub-Inspector, Excise, within sixteen weeks from the date of presentation of a copy of this order on compliance of formalities, including medical examination and police verification. The application is allowed.</p> <p>(P. Ramesh Kumar) Member(A).</p> <p>(Soumitra Pal) Chairman.</p>	