

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

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

Case No – OA 473 OF 2011

Swapan Kumar Basak 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
13 16.01.2019	<p>For the Applicant : None. For the Respondents : None.</p> <p>None appears either on behalf of the applicant or on behalf of the State respondents on call. Since the matter is pending for adjudication from the year 2011, we are inclined to dispose of the application on merit after going through the materials on record as laid down in Rule 16(1) of the West Bengal Administrative Tribunal (Procedure) Rules, 1994.</p> <p>The applicant has prayed for direction upon the respondents for granting him promotion to the post of Work Assistant after setting aside the order of the Chief Engineer, PW (Roads) Directorate communicated to the applicant by the Assistant Secretary to the Government of West Bengal, Department of Public Works (Roads) under letter dated December 31, 2010.</p> <p>It appears from the materials on record that the applicant was appointed as Road Mate in the year 1977. The contention of the applicant is that he should have been promoted to the post of Work Assistant in the exempted category for his continuous service as Road Mate for prolonged period of time. It appears from the reasoned order under challenge in the present application that the</p>	

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State of West Bengal took policy decision of not making any recruitment to the post of Work Assistant due to reduced work load in the Directorate of Public Works (Roads), except appointment to the post of Work Assistant from exempted category to fill up only 30% of the vacant posts. Nothing is on record to indicate that there is scope for promotion from the post of Road Mate to the post of Work Assistant in the Directorate of Public Works (Roads) Government of West Bengal under exempted category at the relevant point of time. Moreover, there is nothing on record to indicate that the applicant was appointed initially in the post of Road Mate from the exempted category. Naturally, the claim of promotion of the applicant from the post of Road Mate to the post of Work Assistant in the Directorate of Public Works (Roads) is rightly turned down by the Chief Engineer, PW (Roads) Directorate, which was communicated to the applicant under letter dated December 31, 2010.

In view of our above observation, the original application stands disposed of.

S. K. DAS
MEMBER(A)

R. K. BAG
MEMBER(J)

Rajib

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