

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

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

Case No – OA 1056 OF 2014

Lakshman Chandra Roy & Others v/s 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 |
|------------------------------------|--|--|
| 17 07.01.2019 | <p>For the Applicants : Mr. G.P. Banerjee, Learned Advocate.</p> <p>For the Respondents : Mr. R.A. Chowdhury, Learned Advocate.</p> <p>The applicants have prayed for direction upon the respondents for granting them benefit of promotion to the post of Panchayat Clerk in terms of order dated December 1, 2005 issued by the District Magistrate, Burdwan on cancellation of the impugned order dated September 8, 2014, by which District Magistrate, Burdwan cancelled the order of promotion of the applicants to the post of Panchayat Clerk.</p> <p>The contention of the applicants is that the applicants got promotion to the post of Panchayat Clerk by order dated December 1, 2005 issued by the District Magistrate, Burdwan. The order of cancellation of promotion passed by the District Magistrate, Burdwan on September 8, 2014 was issued without giving the applicants any opportunity of hearing. By relying on Memorandum No. 3741-F dated July 18, 1964 issued by the Additional Secretary to the Government of West Bengal, Department of Finance, Mr. G.P. Banerjee, Learned Counsel for the applicant contends that erroneous order of promotion can be cancelled by the authority concerned only after complying with the principles of natural justice i.e. after issuing one show-cause notice to the applicants asking them to give reply why the erroneous order of promotion will not be cancelled. He further submits that the order of reversion of the applicants to the substantive post of Peon</p> | |

ORDER SHEET

Lakshman Chandra Roy & Others

Form No.

Vs.

The State of West Bengal & Ors.

Case No. **OA 1056 OF 2014**

| | | |
|--------------|---|--|
| <p>Rajib</p> | <p>was not given effect due to the interim order passed by this Tribunal.</p> <p>Mr. Chowdhury, Learned Counsel representing the State respondents fairly submits that opportunity of hearing was not given to the applicants before passing the order of reversion of the applicants to the substantive post of Peon.</p> <p>Having heard Learned Counsel representing both parties and on consideration of the materials on record, we find that the order of promotion of the applicants to the post of Panchayat Clerk was cancelled by the District Magistrate, Burdwan without giving the applicants any opportunity of hearing and thereby the order of cancellation of promotion was passed in violation of the principles of natural justice. In our view, the said order of cancellation of promotion passed by the District Magistrate, Burdwan on September 8, 2014 is liable to be set aside for violation of the principles of natural justice. Accordingly, the impugned order dated September 8, 2014 passed by the District Magistrate, Burdwan (annexure B to the original application) is set aside.</p> <p>With the above direction, the original application stands disposed of.</p> <p>Let a plain copy of the order be supplied to both parties.</p> <p>(S.K. DAS) MEMBER(A)</p> <p>(R. K. BAG) MEMBER (J)</p> | |
|--------------|---|--|

ORDER SHEET

Lakshman Chandra Roy & Others

Form No.

.....

Vs.

The State of West Bengal & Ors.

Case No. **OA 1056 OF 2014**

.....

| | | |
|--|--|--|
| | | |
|--|--|--|

ORDER SHEET

Lakshman Chandra Roy & Others
.....

Form No.

Vs.

The State of West Bengal & Ors.

Case No. **OA 1056 OF 2014**
.....

| | | |
|--|--|--|
| | | |
|--|--|--|

ORDER SHEET

Lakshman Chandra Roy & Others

Form No.

.....

Vs.

The State of West Bengal & Ors.

Case No. **OA 1056 OF 2014**

.....

| | | |
|--|--|--|
| | | |
|--|--|--|

ORDER SHEET

Lakshman Chandra Roy & Others
.....

Form No.

Vs.

The State of West Bengal & Ors.

Case No. **OA 1056 OF 2014**
.....

| | | |
|-------|--|--|
| Rajib | | |
|-------|--|--|

ORDER SHEET

Lakshman Chandra Roy & Others
.....

Form No.

Vs.

The State of West Bengal & Ors.

Case No. **OA 1056 OF 2014**
.....

| | | |
|--|--|--|
| | | |
|--|--|--|