

**IN THE WEST BENGAL ADMINISTRATIVE  
TRIBUNAL  
BIKASH BHAVAN, SALT LAKE CITY  
K O L K A T A – 7 0 0 0 9 1**

**Present :-**

**The Hon'ble Smt. Urmita Datta (Sen)  
Member (J)**

**-AND-**

**The Hon'ble Dr. A. K. Chanda  
Member ( A )**

**J U D G M E N T**

**-of-**

**Case No. O.A. - 175 of 2018 (MA – 23 of 2018)**

**Tanay Das .....Applicant**

**-Versus-**

**State of West Bengal & others....Respondents**

**For the Applicant : - Mr. Akmam Khan,  
Advocate.**

**For the State Respondents:- None.**

**Judgment delivered on : 28<sup>th</sup> June, 2018**

**The Judgment of the Tribunal was delivered by :-  
The Hon'ble Smt. Urmita Datta (Sen), Member (J)**

## Judgement

1. The instant application has been filed praying for following relief(s):

“a) To direct the respondent authorities particularly the respondent nos. 1 to 3, to give promotion to the applicant to the post of Panchayat Clerk forthwith and in the event the applicant retire from the service in the meantime to fix his salary accordingly;

b) To direct the respondents authorities to pass an order on the representation made by the applicant to the respondents on 22/05/2015 without any delay;

c) To pass such other or further order or orders as to this Hon’ble Tribunal may deem fit and proper.”

2. According to the applicant, he was appointed as peon on temporary basis by the Director of Panchayat & Rural Development on 17.06.2002 and joined the said service on 24.06.2002 (Annexure P/1). However, vide letter dated 03.06.2011, Commissioner of Panchayat & Rural Development sent letter to all the District Magistrate to send the names of Panchayat peons of the District, who have passed Madhyamik or equivalent examination and have completed five years of continuous and satisfactory service under the appointing authority of Director of Panchayat & Rural Development, West Bengal for consideration of their promotion to the post of Panchayat clerk (Annexure P/2). Accordingly, the District Panchayat officer, North 24-parganas vide Memo dated 15.07.2011 sent the seven

persons including the applicant to the Commissioner of Panchayat for information and necessary action (Annexure P/3).

3. Since after lapse of long time, the authority concerned have not taken up any step or action in this regard. The applicant submits a representation on 22.05.2015 to the Commissioner of Panchayat to give promotion to the post of Panchayat clerk as per Memo dated 03.06.2011(Annexure P/4). However, till date, no action has been taken by the respondent authority. Since the applicant is going to retire in the month of January, 2019, being aggrieved with such non action, the applicant has filed the instant application.

The applicant has also filed one MA for condonation of delay praying for condonation of delay of 465 days.

4. Heard the counsel for the applicant. It is noted that the applicant basically had prayed for a direction to the respondent to promote him to the post of Panchayat clerk. On perusal of the record, it transpires that District Panchayat Rural Development Office has only forwarded the particulars of seven Panchayat peons but there were no such recommendation for his appointment in the year 15.07.2011. It is not the case of the applicant that any person junior to him or any person from that list has been promoted leaving the applicant. The applicant has failed to satisfy that any cause of action has arisen till date even by promoting other persons. Moreover, the said information was an internal communication by which the particulars of seven persons were communicated intra departmentally in the year 2011. The applicant has submitted representation praying his promotion to the post of Panchayat clerk on 22.05.2015 even there is no

whisper with regard to appointment of other similarly circumstanced/ junior persons.

Moreover, the said representation was filed in the year 2015 and the instant application has been filed in the year 2018 and in the MA for condonation of delay, he has taken plea of financial stringency on account of his wife's illness and education expenses of children though he is well in service during his period. Therefore we do not find sufficient cause to condone the delay. Accordingly we are unable to condone the delay. In view of the above, MA is rejected. Consequently the OA is dismissed with no order as to costs.

**DR. A.K. CHANDA**  
MEMBER (A)

**URMITA DATTA (SEN)**  
MEMBER (J)