

**ORDER SHEET**

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Present-**

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

**Case No – OA-189 of 2016**

Samir Kumar Nath 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
17 27.02.2020	<p>For the Applicant : Mr. S. Ghosh, Learned Advocate.</p> <p>For the State respondents : Mr. M.N. Roy, Learned Advocate.</p> <p>The applicant has prayed for direction upon the respondents for grant of benefit of promotion to the post of Executive Engineer w.e.f. March 1, 2003 and subsequent benefit of promotion in the post of Superintending Engineer and other consequential benefits of service.</p> <p>The applicant joined in the post of Sub-Assistant Engineer (SAE) in the department of Panchayats and Rural Development on May 28, 1984. He got promotion to the post of Assistant Engineer on March 21, 1997. He was confirmed in the post of Assistant Engineer w.e.f. October 1, 2003. Subsequently, he got promotion to the post of Executive Engineer on March 1, 2004. The applicant also got promotion to the post of Superintending Engineer. However, the grievance of the applicant is that he was not given higher scale of pay of the Assistant Engineer w.e.f. March 1, 2003 and promotion to the post of Executive Engineer and Superintending Engineer from the date of his entitlement to the said posts by way of promotion.</p> <p>Mr. Ghosh, Learned Counsel representing the applicant contends that the applicant was deprived of higher scale of pay of the Assistant Engineer. He further submits that the applicant</p>	

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acquired eligibility for promotion to the post of Executive Engineer, but he was not considered for promotion with effect from the date of acquiring eligibility for grant of promotion to the post of Executive Engineer on March 1, 2003. He also submits that the applicant has been deprived of the next promotion from the date on which he was entitled to get the said promotion. According to Mr. Ghosh, the representation submitted by the applicant through his Learned Advocate on June 2, 2015 before the respondent No. 2 may be considered in accordance with law within specific period of time.

We have heard Mr. M.N. Roy, Learned Counsel representing the State respondents, who submits that the applicant has failed to establish that he has been superseded by anyone junior to him in the service. However, Mr. Roy submits that he has no objection if the representation of the applicant is considered by the respondent No. 1 in accordance with law.

Having heard Learned Counsel representing both parties and on consideration of the materials on record, we find that the applicant has failed to establish that he has been superseded by anyone junior to him in the service and thereby it is difficult to entertain the claim of the applicant for promotion with effect from the date on which he acquired eligibility for promotion to the post of Executive Engineer. In the absence of production of sufficient information before us, we are unable to decide whether the

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applicant falls within the ratio of 60 : 40 for grant of higher scale of pay to the applicant while he was serving as Assistant Engineer and Executive Engineer.

Under the above circumstances, we are of the view that the representation submitted by the applicant through Learned Advocate may be considered by the respondent No. 2 in accordance with law within specific period of time.

Accordingly, we direct respondent No. 2, Principal Secretary to the Government of West Bengal, Department of Panchayats and Rural Development to consider the representation of the applicant dated June 2, 2015 (annexure P-10 of the original application) in accordance with law by passing a reasoned order within a period of twelve weeks from the date of communication of the order and take necessary follow-up action, if any, within a period of eight weeks thereafter.

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

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

**S. K. DAS**  
**MEMBER(A)**

**R. K. BAG**  
**MEMBER(J)**

Rajib