

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

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

Case No – OA-224 of 2019

Sukanta Paul & Another 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
03 13.06.2019	<p>For the Applicants : Mr. M. Bhattacharjee, Mr. D. Bhaduri, Mr. M.K. Ghos, Ms. S. Ghosh, Learned Advocates.</p> <p>For the Respondent : Mr. M.N. Roy, Learned Advocate.</p> <p style="text-align: center;">Affidavit of service filed on behalf of the applicant today is kept on record. The original application is admitted for hearing.\</p> <p>Mr. Bhattacharjee, Learned Senior Counsel appearing on behalf of the applicants contends that the seniority of the Executive Engineers in the Directorate of Public Health Engineering (PHE) was published in the gradation list after obtaining necessary approval from the authority concerned and the same was communicated under letter dated November 24, 2017. He further submits that the said letter issued by an officer of the rank of Special Secretary to the Government of West Bengal cannot be cancelled subsequently by an officer of the rank of Deputy Secretary to the Government of West Bengal. Accordingly, Mr. Bhattacharjee has prayed for stay of operation of letter dated December 5, 2018 issued by the Deputy Secretary to the Government of West Bengal, Department of PHE, by which the seniority list of the Executive Engineers</p>	

ORDER SHEET

Sukanta Paul & Another

Form No.

Vs.

The State of West Bengal & Ors.

Case No. **OA 224 OF 2019**

communicated under letter dated November 24, 2017 was cancelled.

Mr. Roy, Learned Counsel representing the State respondents is unable to enlighten us on the factual issue as he has not received proper instruction from the concerned Department till date.

On consideration of the materials on record, we find that the seniority list of Executive Engineers was revised subject to the decision of the cases in this regard pending before the Tribunal and the Hon'ble High Court, as communicated by the Special Secretary on November 24, 2017 and the same was subsequently cancelled under letter dated December 5, 2018 issued by the Deputy Secretary as per direction of the competent authority. We are unable to accept the contention made on behalf of the applicants that the Deputy Secretary himself cancelled the seniority list communicated on November 24, 2017, as it is crystal clear from the letter dated December 5, 2018 that said letter was issued by the Deputy Secretary under the instruction of the competent authority. Since the grievance of the applicants is with regard to seniority of the Executive Engineers under the Directorate of PHE and since the revised seniority was prepared, subject to the decision of the pending court cases, we are of view that the letter dated December 5, 2018 issued under the signature of Deputy Secretary to the

ORDER SHEET

Sukanta Paul & Another

Form No.

Vs.

The State of West Bengal & Ors.
.....

Case No. **OA 224 OF 2019**

Government of West Bengal, Department of PHE should abide by the decision of this original application.

In view of our above observation, the legality and validity of the letter dated December 5, 2018 issued by the Deputy Secretary to the Government of West Bengal, Department of PHE (page 157 of the original application) will abide by the final decision of the original application.

The respondents are directed to file reply within a period of four weeks and rejoinder, if any, may be filed by the applicants within a period of two weeks thereafter.

List the matter under the heading "**Reply/Rejoinder**" on **22.08.2019**.

(S.K. DAS)
MEMBER(A)

(R. K. BAG)
MEMBER (J)

Rajib

ORDER SHEET

Sukanta Paul & Another

Form No.

.....

Vs.

The State of West Bengal & Ors.

.....

Case No. **OA 224 OF 2019**

--	--	--