

**ORDER SHEET****WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-**

**The Hon'ble Mrs. Urmita Datta (Sen)**  
**& The Hon'ble Dr. Anup Kumar Chanda.**

**Case No – OA-302 of 2018.**

**Asis Kumar Naskar. –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
<p style="text-align: center;"><b>01</b> <b>05.06.2018</b></p>	<p><b>For the Applicant : Mr. Anindya Lahiri, Advocate.</b></p> <p><b>For the State Respondents : Mr. Goutam Pathak Banerjee, Advocate.</b></p> <p><b>For the Private Respondent : Mr. Sankha Ghosh, Advocate.</b></p> <p>The instant application has been filed praying for review and reconsideration of the judgment dated 16.06.2016 passed in O.A.-526 of 2015 (Amit Kumar Sarkar-Vs-The State of West Bengal and Ors.) wherein, according to the applicant, he was being made party and in consequence of the said order, his seniority has been lowered down with respect to the Private Respondent by Gradation List dated 22.03.2018 (Annexure-N) against Serial No.-16, whereas the Private Respondent has been shown in Serial No.-7. Though earlier his position in the earlier Gradation List dated 05.04.2012 is at Serial No.-16 and the Private Respondent was at Serial No. - 18 (Page-49).</p> <p>Therefore, according to the counsel for the applicant, he is a necessary party as his seniority adversely effected by the order of this Tribunal. The earlier judgment passed by this Tribunal should be</p>	

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	<p>reviewed. In favour of his contention, he has placed following judgments passed by the Hon'ble Apex Court :</p> <p><b>(1) (2007) 14 SCC 54 : Rama Rao and Others -Vs- M. G. Maheshwara Rao and Others.</b></p> <p><b>(2) AIR 1963 SC 1909 (V 50 C 273)</b></p> <p>Therefore, the counsel for the applicant has asked for admission of the instant application and also prayed for order of Status Quo.</p> <p>However, the counsel for the State Respondents has submitted that the earlier order of this Tribunal has been affirmed by the Hon'ble High Court vide their judgment dated 27.07.2017 (Page-80) in WPST No.-184 of 2016.</p> <p>However, they have preferred one review petition before Hon'ble High Court, which is still pending. However, the order of this Tribunal has been implemented vide order dated 22.03.2018.</p> <p>Mr. Sankha Ghosh, the counsel for the Private Respondent has submitted that he undertakes to file Vakalatnama. However, he has also admitted that there is a review petition filed by the State Respondents.</p>	

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Sourav	<p>In view of the above, the respondents are directed to maintain Status Quo, which will be abided by the outcome of the review petition being RVW 212 of 2017. In the meantime, both the respondents the Official Respondents and Private Respondent are directed to file reply by four weeks and rejoinder, if any, by two weeks thereafter.</p> <p>Let the matter be listed on <b>09.08.2018.</b></p> <p>Plain copy.</p> <p><b>DR. A. K. CHANDA</b> <b>MEMBER (A)</b></p> <p><b>URMITA DATTA (SEN)</b> <b>MEMBER (J)</b></p>	