

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

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

Case No – **OA-45 of 2020**

Swapn Kumar Dutta 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
2 27.02.2020	<p>For the Applicant : Mr. J.B. Ghosh, Learned Advocate.</p> <p>For the State respondents : None.</p> <p>For A.G. (A & E), W.B. : Mr. B. Mitra, Departmental Representative.</p> <p>Affidavit of service filed on behalf of the applicant today is kept on record. None appears on behalf of the State respondents.</p> <p>Having heard Learned Counsel for the applicant and the Departmental Representative of the respondent A.G., West Bengal and on consideration of the materials on record, we find that the applicant has prayed for grant of promotion w.e.f. November 4, 2016 on the ground that he has been superseded by many of his juniors in the service till the date of his retirement on January 31, 2020. Since the applicant was superseded by many of his juniors while he was in service, we are of view that the interest of all the juniors to the applicant in the service will be affected, if the claim of the applicant succeeds. We would like to hold that all the juniors of the applicant who superseded him till the date of his retirement are necessary parties in the present application.</p>	

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Form No.

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As a result, the applicant is directed to implead all the juniors who superseded him in the service till the date of his retirement as respondents by filing appropriate application by amendment of cause title of the original application within a period of four weeks from this date.

On consideration of the prayer of the applicant for grant of promotion with retrospective effect, we are of the view that the respondent A.G., West Bengal is not a necessary party in the present application. The applicant is, therefore, directed to delete the name of the respondent A.G., West Bengal from the cause title of the original application by filing appropriate application for amendment of the cause title of the original application within a period of four weeks.

List the matter under the heading "For Order" on 27.04.2020.

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

S. K. DAS
MEMBER(A)

R. K. BAG
MEMBER(J)

Rajib