

ORDER SHEET
WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

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

Case No – OA 53 OF 2016

Asim Kumar Dey & Others 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
14 19.12.2019	<p>For the Applicants : Mr. M.N. Roy, Learned Advocate.</p> <p>For the State Respondents : Mr. A.L. Basu, Learned Advocate..</p> <p>For A.G. (A & E), W.B. : Mr. B. Mitra, Departmental Representative.</p> <p>By order dated April 17, 2019, the applicants were directed to implead all the persons who are alleged to be the juniors of the applicants in the Labour Service as private respondents by way of amendment of cause title of the original application within a period of four weeks from the date of the order. The applicants were also directed to serve notice on all those persons after impleading them as respondents and file affidavit of service for which the date was fixed on July 25, 2019.</p> <p>Without complying with the direction of the Tribunal, the applicants have filed an application praying for recalling the order dated April 17, 2019, which is now taken up for hearing.</p> <p>Mr. M.N. Roy, Learned Counsel for the applicants submits that all the applicants have retired from service and the 17 persons who have got more financial benefits being juniors to the applicants in the service have also retired from service. On our query, Mr. Roy further</p>	

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submits that the applicants will get effect of promotion in the Labour service from the year 1999, whereas the persons who are alleged to be the juniors of the present applicants got ad-hoc promotion to Labour service during the period from 1993 to 1995 and the said adhoc promotion was subsequently regularised with effect from the date of initial ad-hoc appointment. We are unable to comprehend how the applicants have claimed to be the seniors to those 17 persons who got promotion to Labour service during the period from 1993 to 1995. Be that as it may, we cannot persuade ourselves to proceed with the hearing of this case without impleading those 17 persons who are alleged to be the juniors of the present applicants as respondents in the present application. Mr. Basu, Learned Counsel representing the State respondents has categorically submitted that those 17 persons who have been alleged to be the juniors of the present applicants, should be given an opportunity of hearing after impleading them as respondents and after service of notice and copy of the application on all those persons.

Having heard Learned Counsel for both the parties and on consideration of the materials on record, we cannot persuade ourselves to recall the order dated April 17, 2019 as prayed by the applicants. So prayer for recalling the order dated April 17, 2019 is rejected.

The applicants are directed to comply with the direction given by this Bench on April 17, 2019 within a period of next six weeks positively, in default, the original application will be dismissed for non-compliance of the direction of the Bench.

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List the matter under the heading "For Order" on 05.03.2020.

S. K. DAS
MEMBER(A)

R. K. BAG
MEMBER(J)

Rajib

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