

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

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

Case No – **OA 870 OF 2017**

Dilip Kumar Mondal & Ors. 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
25 <hr/> 25.09.2019	<p>For the Applicants : Mr. S. Samanta, Learned Advocate.</p> <p>For the Respondent : Mr. R.A. Chowdhury, Learned Advocate.</p> <p>The applicants have prayed for direction upon the respondents for granting them exemption from appearing in the departmental examination conducted by Public Service Commission, West Bengal (in short, PSC, WB) in terms of provisions of West Bengal Services (Training & Examination) Rules, 1953 and other consequential reliefs.</p> <p>Eight applicants joined in the post of Krishi Prajukti Sahayak (in short, KPS) under Director of Agriculture, Government of West Bengal on different dates during the year 1981 and 1982. They got promotion to the post of Assistant Agriculture Extension Officer on different dates from the year 1993 to the year 2006. Ultimately, they got promotion to the post of Agricultural Extension Officer (in short, AEO) in the Directorate of Agriculture on different dates during the period from 2000 to 2012. The annual increment of pay of the applicants was stopped with effect from different dates during the year from 2002 to 2015 for not passing departmental examination conducted by PSC, WB. The contention of the</p>	

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applicants is that one Sushil Kumar Mondal & 38 promotee AEOs, whose annual increment of pay was stopped for not passing the departmental examination, moved the Tribunal by filing OA-434 of 2012. On June 27, 2012, this Tribunal disposed of OA-434 of 2012 by directing the concerned respondent to consider the representation of the applicants by passing a reasoned order within specific period of time. Ultimately, the decision was taken by the Department of Personnel & Administrative Reforms, Government of West Bengal about exemption of the applicants from appearing in the departmental examination as promotee AEO with School Final qualification in terms of West Bengal Services (Training & Examination) Rules, 1953 and the said decision was communicated to the Secretary to the Government of West Bengal, Department of Agriculture vide letter No. 252 PAR (Trg.)/HR/O/3T-102/2007 dated June 13, 2013 (Annexure A21 to the original application). The applicants claim to be similarly circumstanced with Sushil Kumar Mondal & 38 others who moved Tribunal by filing OA-434 of 2012 and prayed for direction upon the respondents for exemption from appearing in the departmental examination, so that they may get annual increment of pay with effect from the date on which it was stopped for not passing departmental examination.

Mr. Samanta, Learned Counsel for the applicants,

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contends that the present eight applicants are similarly circumstanced with Sushil Kumar Mondal & 38 others who approached the Tribunal previously by filing OA-434 of 2012 and as such the applicants are entitled to be exempted from appearing in the departmental examination conducted by PSC, WB in terms of West Bengal Services (Training & Examination) Rules, 1953. Per contra, Mr. Chowdhury, Learned Counsel representing the state respondents, submits that the applicants are not similarly circumstanced with Sushil Kumar Mondal & 38 others who previously approached the Tribunal by filing OA-434 of 2012.

Having heard Learned Counsel representing both parties and on consideration of the materials on record, we find that the applicants joined in the service as KPS without any degree in Agriculture and ultimately got promotion to the post of AEO in West Bengal Junior Agriculture Service. Admittedly, some of the applicants have already retired from service. The issue whether the applicants are entitled to be exempted from appearing in the departmental examination conducted by PSC, WB in terms of West Bengal Services (Training & Examination) Rules, 1953 need to be decided by the Department of Personnel & Administrative Reforms, Government of West on the basis of recommendation made by the Department of Agriculture, Government of West Bengal. The Principal Secretary to the

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Government of West Bengal, Department of Agriculture should decide whether the applicants are entitled to be exempted from appearing in the departmental examination conducted by PSC, WB in terms of West Bengal Services (Training & Examination) Rules, 1953 by taking into consideration the previous order passed by the Tribunal in the case of "Sushil Kumar Mondal & 38 others v. The State of West Bengal & others" (OA-434 of 2012 disposed of on June 27, 2012) and subsequent orders passed by the Directorate of Agriculture on February 27, 2013 and the Department of Personnel & Administrative Reforms, Government of West as communicated under letter dated June 13, 2013 (Annexure A21 to the original application) within specific period of time. Whatever decision is taken by the Principal Secretary to the Government of West Bengal, Department of Agriculture must be forwarded to the Department of Personnel & Administrative Reforms, Government of West for taking ultimate decision with regard to exemption of the applicants from appearing in the departmental examination for the purpose of getting annual increment of pay, which has been stopped for not passing the said departmental examination.

In view of our above findings, we direct the respondent no. 1, Additional Chief Secretary/Principal Secretary to the Government of West Bengal, Department of Agriculture to consider whether the applicants are entitled to be exempted

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from appearing in the departmental examination conducted by PSC, WB in terms of West Bengal Services (Training & Examination) Rules, 1953 by taking into consideration the order passed by the Tribunal on June 27, 2012 in OA-434 of 2012 (Sushil Kumar Mondal & 38 others v. The State of West Bengal & Others) and consequential orders passed by the Directorate of Agriculture on February 27, 2013 and order communicated under letter dated June 13, 2013 by the Department of Personnel & Administrative Reforms, Government of West (Annexure A21 to the original application) by taking a decision within a period of 12 (twelve) weeks from the date of communication of the order and forward the said decision to the respondent no. 3, Principal Secretary to the Government of West Bengal, Department of Personnel & Administrative Reforms, within a period of 4 (four) weeks thereafter. The respondent no. 3, Principal Secretary to the Government of West Bengal, Department of Personnel & Administrative Reforms, is directed to take a decision about exemption of the applicants from appearing in the departmental examination conducted by PSC, WB in terms of West Bengal Services (Training & Examination) Rules, 1953 on the basis of proposal forwarded by the Additional Chief Secretary/Principal Secretary to the Government of West Bengal, Department of Agriculture within a period of 8 (eight) weeks from the date of receiving the proposal from the respondent no. 1 and take necessary follow up action within a

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Sanjib	<p>period of 4 (four) weeks thereafter.</p> <p>With the above direction, the original application is disposed of.</p> <p>Let a plain copy of this order be supplied to both parties.</p> <p>(S.K. DAS) MEMBER(A)</p> <p>(R. K. BAG) MEMBER (J)</p>	
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