

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

The Hon'ble Sayeed Ahmed Baba, Administrative Member

Case No. – CCP- 12 OF 2021 (OA- 224 of 2019)

SUKANTA PAUL & ANOTHER - VERSUS - SHRI ANANDA GOPAL MUKHOPADHYAY, DEPUTY SECRETARY TO THE GOVERNMENT OF WEST BENGAL, PUBLIC HEALTH ENGINEERING DEPARTMENT & ORS.

Serial No. and
Date of order

06
10.09.2021

For the Applicants

: Mrs.S.Agarwal
Advocate

For the State respondents

: Mr.S.Bandyopadhyay
Junior Standing Counsel

On 3rd September, 2021, the matter was heard and was adjourned till this date as an application being, WPST- 66 of 2021, was filed before the High Court. Mrs.S.Agarwal, learned advocate for the applicant submits that the High Court has disposed of the said writ petition by passing an order a copy of which filed by Mrs.Agarwal, is on record.

We find that the High Court has modified the interim order by giving the direction to the State to finalise the draft gradation list after taking into consideration the objections, if any, raised by the respondents no. 1 and 2 therein. It has been directed in the event, objections raised by the applicants are accepted, then suitable changes are required to be made in the gradation list to be finally published. However, if the objections are rejected and the State proposes to finalise the draft gradation list as published in the year 2019, it may proceed with the said gradation list by giving promotions to the deserving candidates, however, with clear communication in writing to such promotees that such appointments shall abide by the result of the original application No. 224 of 2019 and shall not create any equity in their favour. It has been directed that in event the applicants succeed and the final gradation list as published on 22nd March, 2018 is upheld, the Tribunal would require to pass consequential orders and the State would be obliged to carry out rectification in the draft gradation list for the year 2019.

Form No.

SUKANTA PAUL & ANOTHER

Vs.

Case No. – **CCP- 12 OF 2021 (OA- 224 of 2019)**

**SHRI ANANDA GOPAL MUKHOPADHYAY, DEPUTY
SECRETARY TO THE GOVERNMENT OF WEST BENGAL,
PUBLIC HEALTH ENGINEERING DEPARTMENT & ORS.**

Mrs.Agarwal, submits that there are two parts of the order- one part in the Miscellaneous application and the other is in regard to the Original application. We find from the prayer at pages 11 and 12 of the contempt application that violation of the orders dated 20th January, 2020, 26th August, 2020, 18th November, 2020 and 11th January, 2021 passed by the Tribunal in MA-13 of 2020 filed in connection with OA-224 of 2019 are in question and therefore it is submitted by Mrs.Agarwal that the contempt application may not be disposed of.

It is submitted by Mr,S.Bandyopadhyay, Junior Standing Counsel that while disposing of the contempt petition interim order passed by the Tribunal has been modified by the High Court and therefore no contempt lies out of the order alleged to be violated.

Heard learned advocates for the parties. Since it is apparent from the prayers that the order passed in MA-13 of 2020 was a subject matter in the contempt application and the High Court has modified the interim order nothing remains to be decided in the contempt application, being CCP-12 of 2021, and is thus, disposed of.

(SAYEED AHMED BABA)
MEMBER(A)

(SOUMITRA PAL)
CHAIRMAN

BLR