

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

THE HON'BLE SAYEED AHMED BABA, OFFICIATING CHAIRPERSON AND ADMINISTRATIVE MEMBER

Case No. – OA-168 of 2024

Arun Kumar Bera - Vs - The State of West Bengal & Ors.

Serial No. and
Date of order

03
03.04.2025

For the Applicant : Mr. S. Arif Ahmed,
Learned Advocate.

For the State Respondents : Mr. S. Ghosh,
Learned Advocate.

The matter is taken up by Single Bench pursuant to the order contained in the Notification No. 638-WBAT/2J-15/2016 dated 23rd November, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

From the submissions of the learned counsels it appears that the Hon'ble High Court passed a favourable order in WPST 132 of 2016. The relevant portion of the order is as under :-

1. *“Therefore, the submissions on behalf of the State cannot be accepted. The Rules of 2013 have been made effective from 1st March, 2013 and not retrospectively. They cannot, therefore, apply to a selection process which had been initiated in 2007, especially when the merit list had been declared in 2007 itself. The appointment orders, which have been issued to the Respondents, must relate back to the advertisement issued in 2007 and, therefore, the Rules applicable at that point of time must govern the Respondents.”*

However, the Tribunal finds that despite such an order, the applicant did not approach the respondent authority by furnishing a letter enclosing copy of the Hon'ble Court's order. Mr. Ahmed, learned counsel was of the view that such representation before the respondent authority was not necessary because it was abundantly clear to the respondent

authorities of such an order.

Mr. Ghosh, learned counsel points out that although the Hon'ble High Court's order was passed in the year 2016 but the applicant approached this Tribunal only in 2024 without seeking any recourse from the respondent's side. Mr. Ghosh has also pointed out that the applicant had joined the service on 03.11.2014 and superannuated on 31.01.2024.

Having heard the submissions of the learned counsels the applicant is directed to present a copy of Hon'ble Court's order with a representation before the Respondent No. 4, Director of Agriculture and E.O. Secretary. If such a representation along with copy of the Hon'ble Court's order is placed before him, the Respondent No. 4 is directed to examine the same and take final decision within a period of three months from the date of communication of this order.

The application is disposed of.

(SAYEED AHMED BABA)
OFFICIATING CHAIRPERSON AND MEMBER (A)