

ORDER SHEET
WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson & Member (A)

Case No. – OA 493 of 2023

Amitava Banerjee -- VERSUS – The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant : Mr. Souvik Ganguly,
Ld. Advocate.

For the State Respondents : Mr. G. Halder,
Ld. Advocate.

04

12.03.2025

For the Pr.AG (A&E), WB : Mr. B. Mitra,
Ld. Deptt. Rep.

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

Mr. Souvik Ganguly, learned counsel draws attention to memo 816 dated 23.09.2021. By this order, the District Magistrate and Collector, Birbhum issued promotion orders of Biman Sarkar and Md. Zahir Hossain Shah and others. The argument presented by the applicant's side is that these two employees being junior to the applicant as per the Gradation List were given such promotion to the post of Supervisor ignoring the seniority of the applicant. The Gradation List published of Group-B, C & D under the Birbhum District as stood on 01.01.2020 was published on 24.03.2020 in which the name of the applicant appears at serial no. 78, whereas the names of private respondents, Biman Sarkar and Md. Zahir Hossain Shah appear at serial no. 83 and 85 respectively. This Gradation List also records that the applicant was confirmed in service on 02.07.1990 whereas the two private respondents were confirmed subsequently on 01.02.1998 and 03.05.1998 respectively. From the preliminary examination of this records, it appears that the applicant was not only higher in the Gradation List compared to the two private respondents, but the promotion to the post of Supervisor being given w.e.f. 13.09.2020 and 24.09.2020 to the private respondents in which the promotion of the applicant was ignored. He later superannuated on 30.11.2020 but while still in service, such promotion was not given to him rather the private respondents junior to him benefitted from

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such promotion.

Since a reply is necessary, let the respondent authorities file a reply in detail especially covering the part where the promotion of the applicant was denied during the period he was in service vis-a-vis the two private respondents. Let such reply be filed and copy be served and if served and if so wished, the rejoinder may be filed in the meantime.

Let the matter appear under the heading **“Hearing”** on **24.06.2025**.

SAYEED AHMED BABA
Officiating Chairperson & Member (A)

SS/HS