

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 530 OF 2022

CHANDRA SEKHAR SEN - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No.	For the Applicant	:	Mr. Haradhan Mondal,
and			Learned Advocate
Date of			
order	For the State Respondents	:	Mr. Debabrata Kole,
			Learned Advocate

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29.04.2025

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.

The prayer in this application is for a direction to the respondent authorities to allow the applicant to participate in the selection process for filling up the 40 vacant posts of Lower Division Clerk in N.C.C. Establishment by condoning his age bar in terms of the Hon'ble High Court's order dated 14.06.2010 in W.P.S.T. 212 of 2010.

The applicant participated in a selection process for 40 vacant posts of Lower Division Clerk in N.C.C. Establishment in the year 2007. The written test was held on 13.01.2008. By its memo No.1047 dated 05.06.2009, the Assistant Secretary of the Civil Defence Department cancelled the recruitment process. The applicant prayed before the Joint Secretary of the Department on 22.06.2009 for an employment. Since the authority did not take any effective steps to consider the prayer of the applicant, the applicant filed an original application before the Tribunal, which was rejected. Against such rejection, the applicant, by way of filing W.P.S.T. No.212 of 2010, moved before the Hon'ble High Court. The Hon'ble Court, by its order dated 14.06.2010, disposed of the said writ petition with the following direction:

"we dispose of this writ petition by directing the respondent authorities to allow the petitioner along with other employment exchange sponsored candidates to participate in the future process of recruitment for filling up the aforesaid 40 vacant posts of LDC in the NCC establishment of West Bengal, if necessary, by condoning the age bar in respect of the petitioner herein."

In the meantime, the applicant has attained the age of 55 years. Learned counsel draws attention of the Tribunal to a copy of memo No.2504 dated 20th November, 2018 and submits that the respondent authorities have initiated the recruitment process for the post of L.D.C.

ORDER SHEET

Form No.

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and prays for a direction to the respondent authorities to consider the case of the applicant and appoint him to the post of L.D.C. Mr. Mondal, learned counsel prays for liberty to file a representation before the respondent authority praying for condonation of the excess age and once it is condoned, the applicant may be allowed to participate in the selection process.

After careful examination of the order of the Hon'ble High Court, it is clear that the Hon'ble Court had directed the authority to allow the applicant to participate in the future process of recruitment. The Hon'ble Court also left it to the discretion of the authority to condone the age of the applicant. If the 40 vacancies to the post of L.D.C. are being filled up against the panel cancelled in the year 2009, the applicant is at liberty to file a representation before the respondent No.4, the Joint Secretary, (N.C.C.), Higher Education Department, for condonation of his age. The respondent No.4 is directed to dispose of the prayer of the applicant for consideration of excess age as per Rules within a reasonable period of time.

The application is disposed of.

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

SCN.