

ORDER SHEET
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 772 OF 2021

SAMBHU NATH DAS - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	:	Mr. Sourav Bhattacharjee Advocate
<u>10</u> 14.03.2024	For the State respondents	:	Ms.Ruma Sarkar Mr.Sourav Debray Mr.R.Bag (Departmental Representative)
	For the Principal Accountant General (A&E) West Bengal	:	Mr.Biswanath Mitra (Departmental representative)

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.

On consent of the learned counsel and the learned Departmental representatives for the contesting parties, the case is taken up for consideration sitting singly.

Mr.S.Bhattacharjee, learned counsel for the applicant responds to the two submissions made earlier by the Department, being (i) this application suffers from res judicata, and (ii) this application also suffers from limitation.

Mr.Bhattacharjee argues that the prayer in the earlier application was related to only CAS benefits, however, in this application, the primary prayer is for challenging the nomenclature from “promotion” to “appointment to officiate”. So far the prayer (b) is concerned, such prayer for financial benefits is only if prayer (a) is allowed and if there are consequential benefits to be granted. As regards the contention regarding point of limitation, Mr.Bhattacharjee submits that though the employee had retired in 2014, but since such retirement till the time this application was filed, he had been submitting his representations before the respondents, to which they have not considered till date. So far the question of changing the entry from

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“promotion” to “appointment to officiate” is related, the learned Departmental representative point out that the applicant has been promoted from his first appointment as Group-D in the Scale No. 1 to the post of LDC in scale No. 6. He has been promoted in the intermediate scales as Counter Assistant at Scale No. 3 and Treasury Assistant at Scale No. 4. So the entries in the service book as “promoted” was correctly made since such posts were in accordance with his promotion to the higher scale.

Having heard their submissions of the learned counsel so far, it is the opinion of this Bench that since this matter involves various points of law, it would be rather appropriate, if it is heard by a Bench comprising two Members (Judicial and Administrative).

Let the matter appear before such a Bench comprising two Members (Judicial and Administrative) under the heading ‘Hearing’ on 17th December, 2024.

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

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