

IN THE HIGH COURT AT CALCUTTA
(Appellate Side)
CONSTITUTIONAL WRIT JURISDICTION

WP.ST 35 of 2019
Date of decision:-23.3.2021

Sri Hari Madhab Chakraborty

...Petitioners

-versus-

The State of West Bengal and Ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE ANIRUDDHA ROY

Present:- Ms. Chittapriya Ghosh, Advocate
Mr. Priyanka Saha, Advocate
Ms. Komal Singh, Advocate
... for the petitioner
Md. T. M. Siddiqui, Advocate
... for the respondents.

ORDER

1. The petitioner who after a protracted litigation had joined on the post of Fisheries Development Assistant on November 21, 2017 and retired as such on November 30, 2018, i.e., serving for a period of about one year filed the Original Application before the West Bengal Administrative Tribunal (for short 'the Tribunal') claiming that he should be given notional benefits from the year 1997, when Trinanjan Das was appointed. It was on the basis of the fact that this Court vide order dated January 28, 2014 passed in WPST No. 262 of 2013, filed by the petitioner had directed the state to appoint the petitioner like Trinanjan Das, who

was found to be similarly placed. Claiming the clue therefrom as Trinanjan Das was appointed in the year 1997, the petitioner claimed that he should also be given the benefits from the same date. However, in our opinion the Tribunal had rightly declined to give such benefits.

2. A perusal of the aforesaid order shows that Trinanjan Das was appointed in pursuance to an order dated June 10, 1998 passed by the Tribunal in TA No.807 of 1997. A perusal of aforesaid order passed by the Tribunal shows that the recruitment to the post of Fisheries Development Assistant was completed in August 1985. The applicant in TA No.807 of 1997 approached the Tribunal claiming that in view of the instructions dated February 26, 1985 issued by the Government preference was to be given to the persons possessing certificate regarding training in Vocationalised course in Agriculture (Pisciculture) under the special Vocationalised Educational Training Scheme sponsored by the Ministry of Education & Culture, Government of India at District Fishery (Malda). It was after the decision of the aforesaid Original Application filed by Trinanjan Das, that the petitioner filed Original Application No.4679 of 1999 before the Tribunal. Ever since then the matter was in litigation.

3. In fact, the petitioner was not aggrieved by his non-appointment at the initial stage. He took clue from the order passed in the case of Trinanjan Das and thereafter sought to invoke the jurisdiction of the Tribunal to offer him appointment. Be that as it may but the fact remains that in the earlier writ petition filed by the petitioner, bearing No. WPST 262 of 2013 decided on January 28, 2014 this Court had not directed that the petitioner is to be appointed with all consequential benefits. In the

absence thereof to claim that he should be given benefit from the year 1997 when Trinanjan Das was appointed was totally misconceived. He has already been given benefit from January 2014, the date when the order was passed by this Court though he was appointed three years later.

4. For the reasons mentioned above, we do not find any error in the order passed by the Tribunal. The writ petition is accordingly dismissed.

(Rajesh Bindal, J)

(Aniruddha Roy, J.)

Kolkata

23.03.2021

PA (SG)