

28.06.2021
Item no. 18

Aloke
Ct. no.16

(Through Video Conference)

WPST 30 of 2021

Sujit Kumar Kunda
VS
State of West Bengal & Ors.

Mr. Sourav Halder, adv.
Mr. Biswarup Nandy, adv.
... for the petitioner

Mr. Sourav Mondal, adv.
... for the respondent

Mr. Tapan Kr. Mukherjee, adv.
Mr. Somenath Naskar, adv.
... for the State

The writ petition is directed against an order dated September 18, 2019 by which the learned Tribunal refused to allow the said application after consideration of the order passed by the Principal Secretary, Government of West Bengal, Labour Department on June 22, 2017 turning down the claim of the petitioner to get Scale No. 17. The findings of the Principal Secretary relevant for the present consideration are set out hereinbelow :

“Be that as it may, the following are the issues which negate the prayer of the applicant;

”1. It appears, Shri Kundu was not at all interested in joining the promotional post

since he did not come up for joining within a reasonable time.

2. There is nothing on record to show that he could not join his promotion post because of his illness.

3. The principles followed in the matter of promotion are that-

A) Promotion is made in the interest of Public Service and not of the individuals.

B) It is the organization that will stand to gain by the promotion of the officer concerned.

None of the above objectives are going to be achieved in this respect.”

We have not been able to persuade ourselves on the basis of the materials on record and after hearing the submissions of the learned counsel for the parties to interfere with the reasoned order of the Principal Secretary who has meticulously considered the background facts and turned down the claim of the applicant to get Scale No. 17. We feel these considerations are relevant considerations and we do not find it to be arbitrary. On such consideration, we do not find any reason to interfere with the order passed by the learned Tribunal.

We only record that all admissible dues payable to the petitioner, if any, and not paid in

the meantime, shall be paid within a period of four weeks from the date of communication of this order.

With the above observation, WPST 30 of 2021 is disposed of.

All parties shall act on the basis of the server copy of this order duly downloaded from the official website of this Court.

(Hiranmay Bhattacharyya, J.)

(Soumen Sen, J.)