

09.11.2022
ML-77
(PP)
Ct.21

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 2153 of 2020

Prabodh Das
Vs.
West Bengal State Electricity Distribution
Company Limited & Ors.

Mr. Krishnendu Bera
....for the petitioner.

Mr. Sumit Ray
.....for WBSEDCL.

Mr. S. S. Koley
....for WBSETCL.

The petitioner claims that he was an employee of West Bengal State Electricity Transmission Company Limited (in short “WBSETCL”). The petitioner was entitled to promotion under Assured Promotion Scheme (APS) renamed as Career Progressive Scheme (CPS). The petitioner was given two promotions under the said schemes, but did not get his third promotion. The petitioner was asked to appear for a suitability test for his third promotion by an office order dated July 30, 2015.

Mr. Bera, learned counsel, appearing on behalf of the petitioner submits that the petitioner sat for the said suitability test on August 4, 2015, but was not informed the result of the said test. The petitioner applied on December 2, 2015 under Right to

Information Act, 2005 inquiring about the fate of the suitability test. Thereafter, a reminder was given on February 19, 2016 to the Senior Manager (HR & A) for providing information in connection with his RTI application. The petitioner again requested the General Manager (HR) to take necessary steps with regard to his third promotion on October 5, 2016. Furthermore, another request was made in respect of his third promotion on March 9, 2018 and subsequently on May 10, 2018 to his then Employer WBSETCL. Despite repeated reminders and/or requests, no steps were taken by West Bengal State Electricity Distribution Company Limited (in short “WBSEDCL”) regarding third promotion under APS/CPS. The Assistant Engineer (E), WBSETCL by a letter dated June 4, 2018 wrote to the SE & Area Manager, WBSETCL, vide Memo No. CTSD/B-3/41 for taking “early necessary action” on the application regarding the third CPS of the petitioner concerned. Learned counsel for the petitioner submits that despite the aforesaid requests/reminders, no action was taken by the respondent company.

Mr. Ray, learned counsel, appearing on behalf of WBSEDCL submits that the petitioner ceased to be an employee of the company. Therefore, his

application for promotion could not be considered by WBSEDCL.

Having considered the rival submissions of the parties and the materials placed on record, this Court is of the view that being an employer of the petitioner, WBSETCL was under an obligation to at least inform the petitioner the fate of the suitability test and provide him the necessary information regarding the third APS/CPS. WBSEDCL and WBSETCL are both wings of West Bengal State Electricity Board.

Despite several requests/reminders on the part of the petitioner, there was a stark silence on the part of the respondent authorities.

In the circumstances aforesaid, this Court directs the respondent no.2/General Manager (HR & A), WBSETCL to consider the representation of the petitioner dated May 10, 2018 within 8 weeks from date upon giving a personal hearing to the petitioner. The said representation should be disposed of by a reasoned order. The reasoned order is to be communicated to the petitioner within two weeks of arriving at the same.

With the directions aforesaid, the writ petition, being **WPA 2153 of 2020**, is **disposed of**.

Since no affidavits have been invited in the present writ petition, all the allegations contained

therein are deemed not to have been admitted by the parties.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Hon'ble Court.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Lapita Banerji, J.)