

S/L 44
07.09.2022
Court. No. 19
GB

W.P.A. 13389 of 2021

Krishna Chandra Roy
VS
The Principal Secretary, Panchayat and Rural
Development Department, Government
of West Bengal & Ors.

Mr. Arup Kundu.

...for the Petitioner.

The affidavit of service filed in Court today be kept with the records.

The petitioner was appointed as a 'Training Associate' in Krishi Vigyan Kendra, Sonamukhi. He was under the administrative control of the West Bengal Comprehensive Area Development Corporation (hereinafter referred to as 'WBCADC'). The Administrative Secretary of the WBCADC issued an order re-designating the post of 'Training Associate' to the post of 'Subject Matter Specialist' (in short 'SMS').

The petitioner allegedly served in the said post continuously. The petitioner is aggrieved by the inaction of the authority to promote the petitioner to the post of 'Project Officer', although, other similarly situated persons had allegedly been given promotion. These are disputed questions of facts. The writ Court cannot adjudicate the same.

It appears that the petitioner approached the authority with a prayer for grant of promotion. The Administrative Secretary, WBCADC intimated the petitioner that there was no scope for promotion for Subject Matter

Specialists. However, as per Career Advancement Scheme, the petitioner had already been awarded two higher scale of pay (1st and 2nd CAS). The petitioner was appointed in Scale 4 of ROPA-2009, with a Grade Pay of Rs.5,400/-. Thereafter, the next higher scales with Grade Pay of Rs.6,600/- and Rs.7,600/- after completion of 10 years and 20 years of service respectively, had been granted to the petitioner. The petitioner has not been able to show that there is a promotional post from the post of SMS, by referring to any service rule or departmental orders.

It also appears that the performance of the petitioner was not satisfactory and several show cause notices had been served upon the petitioner.

Thus, this court does not deem it fit to issue a mandamus upon the employer to grant promotion, to the petitioner, when there is no scope for promotion for the SMS. In order to prevent stagnation in the said post, benefit under Career Advancement Scheme was given.

The allegation of the petitioner that his salary has been withheld since the writ petition is pending, cannot be decided by this Court.

The petitioner is granted liberty to approach the Administrative Secretary, WBCADC with such allegation. The petitioner shall be heard and necessary direction shall be passed by the authority upon being satisfied about the genuineness of the allegation and the genuineness of the claim of the petitioner for payment of his salary.

This Court has not gone into the aspect as to whether the petitioner is still in service or not. It appears that there are complaints against the petitioner with regard to his efficiency and quality of work and several show cause notices had been given to him.

The petitioner shall file a comprehensive representation before the concerned authority. The authority shall hear the petitioner and consider the issue. Any other authority, responsible for payment of salary to the petitioner, shall be heard. A reasoned order shall be passed in accordance with law. The order shall be communicated to the petitioner. If the claim of the petitioner for payment of salary cannot be entertained, reasons shall be disclosed in the order.

The entire exercise shall be completed within a period of three months from date of receipt of the representation.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)