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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 25491 of 2022

Sunil Ratan Ghosh
Vs.
The Secretary, West Bengal State Electricity
Distribution Company Limited & Ors.

Mr. Biswaroop Biswas,
Mr. Gorachand Samanta
.... For the petitioner.

Affidavit of service filed in Court today be retained
with the records.

The petitioner claims to be working as a Senior
Assistant with the West Bengal State Electricity
Distribution Company Limited (in short, WBSEDCL). The
petitioner was superannuated on June 30, 2004.

The petitioner's grievance is that even though his
name was considered for promotion on June 14, 2004 by
the Manager (P&A) and Member Secretary of the
employer/WBSEDCL, but by the time the petitioner could
be granted benefits of the promotion he retired from
services. Thereafter, the petitioner made several
representations including ones on September 12, 2006,
November 11, 2010 and January 28, 2013. The petitioner
also made a demand of justice by an advocate's letter
dated August 8, 2019. Despite the aforesaid
representations, the petitioner's case was not considered

by the employer/ WBSEDCL.

Mr. Biswas, learned counsel appearing on behalf of the petitioner submits that the petitioner should have been given the notional benefits of promotion to the post of Head Clerk, post retirement. There can be no reason for not giving the promotional benefits to the petitioner despite the recommendation letter dated June 14, 2004.

In support of his contention he relies on a Division Bench judgment of the Delhi High Court in **W.P. (C) No.947/2013 (Jasbir Singh Gill –Vs.- Union of India & Ors.)**. In the said judgment, the petitioner even though superannuated from his service prior to being promoted was given the notional and consequential benefits of the promotion.

Despite service no one appears on behalf of the respondents.

Considering the submissions made on behalf of the petitioner and the materials placed on record, this Court is of the view that justice will be sub-served by directing the Senior Manager (HR&A), WBSEDCL, Kolkata to consider the representations of the petitioner mentioned hereinabove within six weeks from date upon giving personal hearing to the petitioner. Such representations will be disposed of by a reasoned order and the same shall be communicated to the petitioner within two weeks

of passing thereof.

While considering the representations of the petitioner the decision of **Jasbir Singh Gill -Vs.- Union of India & Ors. (Supra)** will be considered by the respondent no.7.

In the event, the petitioner is found to be entitled to the notional and consequential benefits of promotion, the same shall be disbursed to him month by month from March, 2023. Any arrears in respect thereof shall be granted within a period of eight weeks from the date of passing of the order.

Since no affidavits have been directed to be exchanged in the said writ petition, all the allegations contained therein, are deemed not to have been admitted by the parties.

With the aforesaid directions, the writ petition, being **WPA 25491 of 2022**, is **disposed of**.

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.)