

DL-25

20.06.2023
Court No.5
(AD)

WP.ST 27 of 2011
Sri Amal Basu
Vs.
The State of West Bengal & Ors.

Mr. Partha Sarathi Bhattacharyya, Ld. Sr. Advocate
Mr. Raju Bhattacharyya
Mr. Arunava Maiti
... for the petitioner.

Ms. Chaitali Bhattacharjee
Mr. Manas Kumar Sadhu
... for the State.

Affidavit-in-opposition filed in Court be taken on record.

The writ petition is directed against an order dated May 14, 2010 passed in O.A. 1328 of 2004.

The principal grievance of the writ petitioner is the revised gradation list published in 1977.

The principal reason why the learned Tribunal did not allow the writ petition is that, the cause of action of the writ petitioner arose in 1977 when the revised gradation list was published. There was nothing placed on record to suggest that the writ petitioner was aggrieved then.

The writ petitioner was a party in CR No.9881(W) of 1979 where he did not participate. He did not protest when the respondent promoted one person as Upper Division Clerk (UDC) in 1979. The writ petitioner approached the learned Tribunal only in 2004. The learned Tribunal applied the settled principle of law that, with regard to old

matters, settled matters should not be allowed to become unsettled as an employee possesses a right of security in the position. Such matters very often lead to complexities and administrative difficulties. In support of such observation, the learned Tribunal relied upon (1988) 1 SCC 316 (G C Gupta Vs. N K Pande).

We find no material irregularity in the impugned order of the learned Tribunal to interfere. Essentially a settled position of 1977 is sought to be unsettled at the behest of the writ petitioner that too on an approach being made to the Tribunal for the first time in 2004 although the writ petitioner as a party to a writ petition pending before the High Court in 1979 did not canvass his rights.

WP.ST 27 of 2011 is dismissed without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

