

*Dd* 11 18.07.2023

**WP.ST 19 of 2022**

***Sri Krishna Chandra Acharya & Anr.  
Vs.  
State of West Bengal & Ors.***

*Mr. Victor Chatterjee,  
Mr. Bikash Shaw, Advocates  
... ... For the Petitioners*

*Mr. Tapan Kumar Mukherjee, AGP  
Mr. Somnath Naskar, Advocates  
... ... For the State*

*Mr. Suman Basu, Advocate  
... ... For the Respondent no. 3*

The writ petition is directed against an order dated March 24, 2021 passed in OA 86 of 2016.

By the impugned order, the tribunal found no merit in the claim of the original application since, all the petitioners before the tribunal superannuated prior to the filing of the original application. All the petitioners before the tribunal were seeking benefit of an order dated August 1, 2014, which was issued subsequent to their superannuation.

Learned advocate appearing for the writ petitioners draws the attention of the Court to the impugned order. He submits that, the tribunal did not take into consideration the earlier order dated October 22, 2009 passed in respect of Public Works (Roads) Department. He submits that the Irrigation Department is under the State as also PWD. Therefore, the employees of the two departments cannot be discriminated again. Since the PWD issued order dated

October 22, 2009, the same should be made applicable so far as the employees of the Irrigation and Waterways Directorate also.

State is represented.

We find from the records that, three persons approached the tribunal by way of OA 86 of 2016, which resulted in the impugned order dated March 24, 2021. Of the three persons who approached the tribunal two are before us.

Writ petitioner no.1 superannuated on September 30, 2012 and the writ petitioner no. 2 superannuated on July 31, 2011.

Both the writ petitioners superannuated from the Irrigation and Waterways Directorate.

Irrigation and Waterways Directorate issued an order dated August 1, 2014 relating to 'existing' Head Surveyors, Supervisory Surveyors, Sr. Surveyors and Chief Surveyor. Since the writ petitioners superannuated prior to the coming into effect of the order dated August 1, 2014, benefits thereunder cannot be extended to the writ petitioners.

The claim of the writ petitioners is that they are to be treated on par with the employees of the PWD Directorates in terms of the order dated October 22, 2009. To that, the tribunal considered the delay of the writ petitioners in approaching the tribunal and highlighting such grievances.

The writ petitioners did not approach any forum ventilating their grievances with regard to order dated October 22, 2009 of the PWD while they were in their employment. They waited till 2016 to raise their grievances before the tribunal.

In such circumstances, we find no ground to interfere with the impugned order of the tribunal.

WP.ST 19 of 2022 is **dismissed** without any order as to costs.

**(Debangsu Basak, J.)**

**(Md. Shabbar Rashidi, J.)**