

12.10.2023
DL-42
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 5077 of 2023

Rabin Halder
Vs.
The State of West Bengal & Ors.

Mr. Subhabrata Basu
...for the petitioner.
Mr. Arjun Ray Mukherjee
....for the State.

The petitioner's grievance is that he has been unfairly demoted from grade-I to grade-II stenographer. The petitioner is working in the District Judgeship of South 24-Parganas at Alipore. The petitioner was initially appointed as grade-III stenographer on September 2, 2013. The petitioner was promoted to grade-II vide order dated December 16, 2016 with effect from September 2, 2014. Thereafter, the revised date of promotion to grade-II was December 1, 2016. Provisional gradation list was circulated on March 17, 2021 for promotion to grade-I post. In the said gradation list, the petitioner's name was shown at serial no.12 as grade-I Stenographer. Since his name was placed in grade-I, the petitioner did not raise any objection to the draft gradation list. Unfortunately, when the final gradation list was published on March 10, 2022, the petitioner's name appeared at serial no.31 and he was shown to be promoted to grade-II from December 1, 2016.

The petitioner's grievance is that instead of being promoted to grade-I, the petitioner is shown to be promoted to grade-II. The said decision has been taken without the petitioner being heard and without taking the papers/documents relating to his service into consideration. The petitioner made a representation on March 14, 2022 for necessary correction. However, no response has been received to the said representation.

Considering rival the submissions of the parties and the materials placed on record, this Court is of the view that justice will be sub-served by directing the learned District Judge, South 24-Parganas to consider the representation of the petitioner dated March 14, 2022 and pass a reasoned order, in accordance with law.

In the event the petitioner is found to be at serial no.12 as per the draft gradation list, the same shall be taken into consideration while rectification of the final gradation list.

Let a personal hearing be given to the petitioner and a reasoned order be passed within 8 weeks from date. Such reasoned order be communicated within 2 weeks of passing thereof.

With the directions aforesaid, **WPA 5077 of 2023 is disposed of.**

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

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.)