

WP.CT. 65 of 2023

(Bijoy Chowdhury Vs. Union of India & Ors.)

Mr. Banshari Mohan Goswami
..... **For the petitioner**

Ms. Chandreyi Alam
Ms. Runu Mukherjee
..... **For the respondents**

Affidavit-of-service filed by the petitioner be kept on record.

The present writ petition has been preferred challenging an order dated 16th November, 2018 passed by the learned Tribunal in original application being O.A. No. 350/1923/2015.

Mr. Goswami, learned advocate appearing for the petitioner submits that in spite of emerging to be successful in the Trade Test of which result was published on 16th February, 2009, the petitioner was not given promotion to the post of Carpenter Grade – III. The grant of benefits of ACP and MACP have no connection with the promotion to which the petitioner became entitled on the basis of the result of the Trade Test published on 16th February, 2009. Such arguments, as advanced, were glossed over by the learned Tribunal and no finding was returned on the said issues.

Drawing our attention to the documents annexed at pages 48 and 50 of the writ petition, Ms. Alam, learned advocate appearing for the respondents submits that the Trade Test held in the year 2008 was for upgradation of pay of Helper-I on ACP Scheme and not for regular promotion as claimed by the petitioner. The petitioner had not suffered any financial loss and no junior was promoted superseding him. Subsequently, the petitioner was posted as Carpenter Grade-III through Trade Test with effect from 3rd January, 2011. In the said conspectus, the learned Tribunal rightly refused to exercise discretion in favour of the petitioner and there is no infirmity in the order impugned.

Heard the learned advocates appearing for the respective parties and considered the materials on record.

It appears that the Trade Test held in the year 2008 was for upgradation of pay on ACP Scheme, as would be explicit from the documents annexed at pages 48 and 50 of the writ petition. It further appears that the petitioner had not suffered any financial loss and had not been superseded by any person junior to him. The petitioner also availed promotion to the post of Carpenter Grade-III subsequently.

Upon considering the factual issues, the learned Tribunal arrived at specific findings and we do not find any infirmity in the same.

In view thereof, the writ petition, being WP.CT. 65 of 2023, is dismissed.

There shall, however, be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

(Partha Sarathi Chatterjee, J.) (Tapabrata Chakraborty, J.)