

WPA 18947 of 2022

Prasenjit Patra & Ors.
vs.
The State of West Bengal & Ors.

Mr. Abhinaba Das
Mr. Arkaprabho Roy

...for the petitioners

Mr. Pinaki Dhole
Mr. Avishek Prasad

...for the State-respondents

The petitioners were appointed as Stenographers (English), Grade – III under the District Judgeship of Bankura. They were appointed vide Memo dated August 31, 2012. After working for three years their services were confirmed with effect from September 2015 vide order dated December 2, 2016.

The petitioners were granted promotion as Grade-II Stenographer (English) on October 31, 2017 with effect from November 1, 2017. Thereafter, the petitioners were appointed as Grade – I Stenographer (English) with effect from November 1, 2018 vide order dated July 17, 2019.

The petitioners' grievance is that Stenographers, Grade –III both English and Bengali under the District Judgeship of Bankura were appointed on August 31, 2012. The appointments of both groups of Stenographers were confirmed in

September, 2015. However, the petitioners were given promotion as Stenographer, Grade-II (English) with effect from November 1, 2017 instead of September, 2015. However, the Stenographer, Grade – III (Bengali) who were confirmed with effect from September, 2015 were given promotion to the post of Grade – II Stenographers (Bengali) with effect from September, 2015 in terms of the recommendations of the Shetty Commission with regard to the vacant posts which were available.

Mr. Dan, learned counsel appearing on behalf of the petitioners submits that the petitioners were discriminated against the Grade –II Stenographers (Bengali). Such discrimination was arbitrary and illegal. Therefore, the petitioners pray for retrospective effect to their promotion with effect from September, 2015/the date on which Grade-II (Bengali) Stenographers were given promotion from.

Mr. Dhole, learned State Advocate appears on behalf of the State-respondents.

By an order dated April 11, 2023 this Court directed a Report to be filed by the respondent No. 2/the Special Secretary, Finance Department, Government of West Bengal on the issue why a discriminatory treatment was meted out to the petitioners. Despite time being extended on June 8, 2023 for filing of such Report, the same has not been filed till date. On instructions, it is submitted on behalf

of the State that since the available records in relation to the petitioners are missing no Report has been filed before this Court.

Considering the rival submissions of the parties and the materials placed on record, this Court is of the view that the petitioners/employees cannot be made to suffer indefinitely since the records have been misplaced on the part of the State-respondents. This Court finds no reason why the Stenographer, Grade –III (Bengali) were treated differently from the petitioners/Stenographers, Grade – III (English) nor could the State provide any cogent reason. Both the groups of Stenographers were appointed on the same date and confirmed on the same date. Therefore, there can be no legitimate reason for granting promotion to the Stenographer, Grade – III (Bengali) from September, 2015 and the Stenographer, Grade – III (English) from November, 2017.

In the light of the discussions above, this Court directs the respondent No. 4/the District Judge, Bankura to give notional benefits of promotion to the petitioners with effect from September, 2015 as Grade II (English) Stenographers.

With the directions aforesaid, **WPA 18947 of 2022** is **disposed of**.

All parties are to act on a server copy of this order downloaded from the official website of this Hon'ble Court.

Urgent certified website copies of this order, if applied for, be made available to the parties subject to compliance with all requisite formalities.

(Lapita Banerji, J)