

Dd 16 03.08.2023

WP.ST 151 of 2018

***The State of West Bengal & Ors.
Vs.
Ramkrishna Chattopadhyay & Anr.***

Mr. Pinaki Dhole,
Mr. Avishek Prasad, Advocates
... ... For the Petitioners

Mr. Samiran Mandal,
Mr. Abhinaba Dan,
Ms. Sreemoyee Datta, Advocates
... ... For the respondent no.1

The writ petition is directed against an order dated July 18, 2018 passed in OA 349 of 2014 by the West Bengal Administrative Tribunal.

By the impugned order, the Tribunal directed the authorities to treat the private respondent to be promoted to the post of Deputy Ranger/Forester with effect from December 19, 2005, that is the date when his junior got the benefit of promotion to the rank of Deputy Ranger/Forester. Pay was directed to be fixed notionally with effect from such date. Actual financial benefit was directed to be given with effect from the actual date of assumption of charge by the private respondent on the basis of the order dated December 24, 2008.

Learned advocate appearing for the writ petitioner/State submits that, the Tribunal failed to take into consideration the point of limitation. He submits that, the private respondent took training during a period of time when the relevant circulars were kept in

abeyance. He submits that, training was introduced by a circular of 2000 which was subsequently kept in abeyance in 2001 and reintroduced in 2008. Since the private respondent underwent training during a period when, circular was kept in abeyance, the private respondent is not entitled to the benefits as directed by the Tribunal. Moreover, the junior with whom, the private respondent was placed at par was not made a party respondent in the proceeding.

Private respondent is represented.

The private respondent joined the post of Forest Guard under the Bankura North Forest Division on February 7, 1995. The private respondent underwent six months training course of Forest Guard at Forest Training Centre, Jhargram at 45th Session, with effect from, February 1, 2000 on the basis of the order issued by Divisional Forest Officer, Bankura North Division on January 19, 2000. The private respondent was selected for appointment as Deputy Ranger/Forester in terms of Recruitment Rules dated January 25, 2001 by an order dated September 30, 2008 issued by the Principal Chief Conservator of Forest, West Bengal. The private respondent ultimately got the benefit of promotion to the post of Deputy Ranger/Forester with effect from the date of actual assumption of charge of the new assignment on the basis of the order dated December 24, 2008.

The private respondent approached the Tribunal on the grievance that a junior to the private respondent, in the feeder post of Forest Guard who underwent six months training course of Forest Guard during the period December 20, 2004 to June 20, 2005 got promoted to the post of Deputy Ranger/Forester as reflected in the office order dated December 22, 2005.

The private respondent before the Tribunal contended that, his promotion should be given effect to from the date of publication of the Recruitment Rules dated January 25, 2001.

The private respondent and his junior, underwent similar training programme. The junior to the private respondent was promoted to the post on the basis of the same recruitment Rules.

Consequently, the private respondent, being senior is entitled to be treated at par with his junior on promotion, since, both were entitled to the promotion under the same service Rules. In fact, the private respondent was also promoted. No right of the junior to the private respondent was affected by the promotion granted to the private respondent.

In such circumstances, the Tribunal directed that, the private respondent should be given notional benefit with effect from December 19, 2005 on account of promotion of junior to the post of Deputy Ranger/Forester. The Tribunal held that, the private respondent was entitled to financial benefit from the date from which, he took actual charge of the post.

In such circumstances, we find no merit in the present writ petition.

WP.ST 151 of 2018 is, accordingly, **dismissed** without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

