

**WP.ST 647 of 2009**

Mihir Kumar Ghosh

Vs.

The State of West Bengal & Ors.

Mr. D. N. Ray

Ms. Munmun Tiwary

... for the petitioner

The writ petition is directed against an order dated September 11, 2009 passed by the West Bengal Administrative Tribunal in O.A. 1452 of 2007.

By the impugned order, the learned Tribunal negated the claim of promotion made by the writ petitioner on merits.

Learned advocate appearing for the writ petitioner submits that, the writ petitioner was on deputation over a considerable period of time. The writ petitioner was repatriated to the parent department in 1992. Junior to the writ petitioner was given promotion with effect from March 30, 1987. In the event, the writ petitioner was with the parent department, the writ petitioner would be entitled to such promotion.

None appears for the respondents.

Promotion is not a matter of right. Promotion depends on several factors. Writ petitioner is, however, entitled to be considered for promotion.

The position of the writ petitioner in the gradation list was at serial no. 26(a) by the order dated April 27, 1998. Writ petitioner was confirmed in Grade-I w.e.f. May 1, 1985 by the order dated May 16, 2000. Respondent no. 4 along with other officers in Grade-I cadre, who were junior to the writ petitioner were promoted by the notification dated March 30, 1987. Such promotion was made on the basis of the gradation list prepared in 1996 where the name of the petitioner did not find place. Thereafter, the writ petitioner received promotion in the parent department. He was promoted with retrospective effect from June 20, 1980 and he was confirmed with retrospective effect from May 11, 1985. Writ petitioner superannuated in 2001.

In the conspectus of the facts and circumstances of the present case, we are of the view that the writ petitioner is seeking to unsettle a settled gradation list. The writ petitioner did not assail the gradation list, where he did figure us contemporaneously. He did not perceive such gradation list to be inimical to him at the relevant point of

time.

In such circumstances, we find no material irregularity in the impugned order.

WP.ST 647 of 2009 is dismissed without any order as to costs.

**(Debangsu Basak, J.)**

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