

3
26.07.2024
Ct. No. 11
rrc

WPCT 153 of 2024
(Jitendra Shekhar & Anr. Vs. Union of
India & Ors.)

Mr. Arjun Ray Mukherjee
Mr. Bandhu Brata Bhula
.... For the petitioners

Mr. Pinaki Bhattacharyya
Ms. Jayita Dhar
..... For the respondent
nos. 1 to 3

Record reveals that despite service, none appeared to represent the respondent nos. 4 to 7 on 12th July, 2024. Accordingly, on that date, the matter was adjourned to enable the aforesaid respondents to appear and contest. Simultaneously, a direction was given to the learned advocate for the petitioners to intimate the order dated 12th July, 2024 to the said respondents and to affirm an affidavit-of-service on the returnable date.

An affidavit-of-service indicating compliance with the order dated 12th July, 2024 has been filed. Let the same be kept on record.

In spite of service upon the said respondents still no one appears on behalf of the said respondents.

Seeking a remedy for being superseded by juniors in the promotion process, the petitioner approached the learned Tribunal without first making any representation to the concerned respondent. The learned Tribunal declined to

intervene in the matter citing the petitioner's failure to exhaust the alternative remedy.

The petitioners joined the Income Tax Department, Ministry of Finance, Government of India, as Tax Assistants in 2009 and 2011, respectively. They passed the departmental examinations for the post of Inspector in 2011 and 2016, respectively. Conversely, the private respondents, who were appointed as Stenographers in 2015, passed the departmental examination for promotion to the post of Inspector in 2022 and 2023, respectively.

Despite being juniors to the petitioners, the private respondents were promoted to the post of Inspector on 20th February, 2023 and 11th January, 2024, respectively. This grievance prompted the petitioners to approach the learned Tribunal.

In this context, we are of the opinion that keeping the writ pending will serve no useful purpose. Therefore, with consent of the parties, we take up the matter for final disposal.

Having regard to facts and circumstances of this case and after considering the submissions of the respective parties, we dispose of the writ petition by granting liberty to the petitioner to submit a detailed representation, ventilating their grievances therein, along with a copy of the original application with all annexures thereto to the respondent no.5, who, upon receipt of such representation, shall take a reasoned decision thereon after affording an opportunity of hearing to all interested parties and to communicate such decision to the petitioners. The entire exercise shall be completed within 8(eight) weeks from the date of receipt of such representation.

With these directions and observations, the writ petition stands disposed of.

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

It is made clear that we have not gone into the merits of the petitioners' claim and all points are kept open to be decided by the said respondent no. 5.

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

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