

19.01.2024.
Court No.13
Item No.498
pk

W.P.A. No. 9020 of 2020

**Gautam De
Versus
The State of West Bengal & Ors.**

Mr. Firdous Samim,
Ms. Gopa Biswas,
Ms. Sampriti Saha,
Ms. Mohona Das.

...For the petitioner.

Mr. Kamal Kumar Chattopadhyay,
Mr. Susanta Pal

...For the respondent nos.2 to 4.

Mr. Indranil Roy,
Mr. Sumit Kumar Ray.

....For the private respondent.

1. It is submitted by the counsel for the respondents that taking over charge as Executive Engineer by the private respondent was temporary in nature and did not constitute a promotion to the post of Executive Engineer.
2. It is submitted that the private respondent has given up the charge of the post of Executive Engineer to another person on deputation from the PWD.
3. The writ petition has become academic.
4. The other issue as regards the propriety of a proposed promotion policy, as contained in the Agenda of the 357th Board of Directors' meeting, and if any policy that is adopted by the WBSIDC the same, may be questioned in accordance with law by the petitioner in an independent proceeding, if so advised.

5. Insofar as the promotion of the private respondent holding a Diploma to the post of Assistant Engineer, this Court is of the view that the same has become stale with the passage of time. Such promotion took place 10 years before filing of the writ petition. The challenge to the same cannot be entertained for inordinate delay and laches and/or the principles of waiver acquiescence and estoppel.

6. With the aforesaid observations, the writ petition is disposed of.

7. There will be no order as to costs.

8. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)