

D/L 15
16.07.2025
Court No.14
PRADIP

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 4378 of 2025

The Additional Chief Secretary Finance Department,
Government of West Bengal & Ors.

Vs.

The Commissioner, West Bengal Information
Commission & Anr.

Mr. Amal Kumar Sen, Ld.AGP
Mr. Debdooti Dutta

... for the Petitioners.

Mr. Raja Saha
Mr. Sanjay Mukherjee
Ms. Bahnidipa Roy

...for the Respondent no.1.

Mr. Abdul Massod
Ms. Debanwita Pramanik

...for the Respondent no.2.

1. Affidavit of service filed in Court today is taken on record.
2. The private respondent no.2 with the intent to obtain certain information made application under the Right to Information Act, 2005 with the following queries:-

- a. ***To supply the authenticated copy of “Note Sheet” pages on and from 04.02.2016 to 31.12.2020 vide file bearing no. FA/O/1A-3/31/16 which includes notes of WBA&AS Cell of Group T of Finance Department, The Administrative Department, Group P of Finance Department, Learned Legal Remembrancer, Law Department and Learned Additional Advocate General.***
- b. ***To furnish the “Draft Seniority Rules of unified WBA&AS officers” prepared by WBA&AS Cell of Group T of Finance Dept., Govt. of West Bengal In the year 2016.***
- c. ***To furnish the “latest Gradation List and Seniority Rules of unified WBA&AS officers” prepared by Finance Dept. after 24.11.2000, if any?***

3. Challenging the direction given by the Information Commission to supply the information to the queries put forth by the private respondent, the instant writ petition has been filed by the Additional Chief Secretary of the Finance Department, Government of West Bengal, the Appellate Authority and the Senior Special Secretary of the Finance Department, Government of West Bengal and State Public Information Officer & Deputy Secretary, Finance Department, Government of West Bengal affirmed by the State Public Information Officer & Deputy Secretary, Finance Department, Government of West Bengal on the ground that the information sought for cannot be provided.

4. It has been averred that:-

“Prior to 1st March, 2001, there were two services of Audit & Accounts Officers, namely West Bengal Junior Audit & Accounts Service and West Bengal Audit & Accounts Service. On 1st March, 2001 the two services were merged and the Junior Service was abolished vide Finance Department, Govt. of West Bengal Notification No. 3317 dated 22nd March, 2001. Thereafter, the said merger was antedated notionally w.e.f. 01.04.1981 with actual benefits from 1st March, 2001 vide Finance Department, Govt. of West Bengal Notification No.9099-F dated 23rd September, 2009. In the 2nd Notification (i.e. Notification No. 9099-F dated 23rd September, 2009) it has been clearly spelt out that “inter-se-seniority of the officers belonging to the unified West Bengal Audit & Accounts Service as on 01.03.2001 shall remain undisturbed.”

As per guidelines depicted in Notification No.3317-F dated 22nd March, 2001 and No. 9099-F dated 23rd September, 2009, now the inter-se-seniority and Gradation List of the officers belonging to West Bengal Audit & Accounts Service are being maintained.

5. The specific stand of the petitioners as submitted by the learned Additional Government Pleader is that till date the Seniority Rules of the unified West Bengal Audit & Accounts Services Officers have not been finalized. The Gradation List and the Seniority Rules of the unified West Bengal Audit & Accounts Officers have also not been finalized. The same is at the deliberation stage. The inter se seniority as on 01-03-2001 is not being disturbed.
6. Learned Advocate for the private respondent submits that the aforesaid submission is enough reply to the query sought for by the applicant being the private respondent in the instant writ petition.
7. As the State has put forth its stand and has specifically stated and admitted that the Seniority Rules and the gradation list of the Unified West Bengal Audit & Accounts Officers have not been finalized and inter se seniority list as on 01-03-2001 remains undisturbed, accordingly, there is no requirement of furnishing any further information to the private respondent as per the order passed by the West Bengal Information Commission.
8. The instant writ petition stands disposed of.
9. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)