

07.05.2025
(D/L-15)
Ct. No.4
(B.K.N.)

W.P.S.T. 63 of 2025
Abul Kalam Azad
Vs.
The State of West Bengal & Ors.

Mr. Md. Rafiqul Islam
...for the Petitioner

Mr. Tapan Kr. Mukherjee, Ld. AGP,
Mr. Somnath Naskar
...for the State Respondents

1. The petitioner has sought the following relief before the Tribunal:

“7. Relief's Sought for:

In view of the facts mentioned in paragraph 6 above the applicant prays for the following reliefs:-

- a) An order directing the respondent authority concerned to forthwith grant pass the order of Promotion of the applicant to the post of Amin in terms of GO No. 3940(280)F dated 28.03.78 within a stipulated period.
- b) An order directing the respondent authority concerned to grant the benefits of Carrier Advancement Scheme in favour of the applicant as per the solemn order passed by the Hon'ble High Court, Calcutta in C.O No. 12984 (W) of 1992 with effect from 01.01.1983.
- c) Any other order or direction as it would deem fit and proper to Your Lordships.”

2. Learned counsel for the State, Mr. Mukherjee submits that since it is the petitioner's own case that he was promoted as an Amin he would not be entitled to any benefit under the CAS, having availed the regular promotion.

3. The Court has put a query to Mr. Mukherjee that even if such submission is to be accepted then in

view of the promotion granted as Amin the petitioner would at least be entitled to the second benefit under the CAS. The order of the Tribunal, however, does not show any consideration of the prayer made in the Original Application. We, therefore, remand the matter back to the Tribunal to consider the same afresh.

4. Mr. Mukherjee submits that a reply will be filed before the Tribunal within four weeks from date. Let the reply be filed accordingly.
5. The matter is thus remanded to the Tribunal for consideration of the petitioner's prayer made in the Original Application, extracted above. For facilitating consideration of the Original Application afresh we set aside the order dated 14th January, 2025 passed in O.A. 27 of 2023.
6. We make it clear that any observation made in the present order will be of no persuasive value either way in the proceedings before the Tribunal.
7. The writ petition stands disposed of accordingly.
8. We allow liberty to the petitioner's counsel to file a supplementary affidavit before the Tribunal.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)