

W.P.S.T. 111 of 2024

**Balaram Naskar
Vs.
The State of West Bengal & Ors.**

Mr. Bapin Baidya

...for the Petitioner

Mr. Arjun Ray Mukherjee

...for the State Respondents

1. Heard the learned counsel for the writ petitioner and the learned State counsel.
2. The petitioner is claiming benefit of promotion from the post of Bhumi Sahayak to Bhumi Sahayak Grade-I. The benefit is claimed under a Notification dated 25.06.2001. The West Bengal Administrative Tribunal ('S.A.T.' for short) has refused to exercise jurisdiction in favour of the petitioner having accepted the stand of the respondents and also finding the claim to be belated.
3. The learned counsel for the applicant/writ petitioner submits that the reason assigned by the S.A.T. insofar as belated claim is concerned, is unsustainable. The petitioner's claim was rejected by a reasoned order passed in 2017 and only thereafter the petitioner invoked the jurisdiction of the S.A.T. The claim cannot be said to be belated. The reliance placed by the S.A.T. on the date of

Notification i.e. 25.06.2001 for calculating the delay is, therefore, unsustainable. The further submission is that the petitioner's claim for promotion was required to be considered in his favour since others, junior to the petitioner had been promoted.

4. In view of such submission, we had requested the learned State counsel to take instructions in this regard. He has handed over a copy of instructions communicated to him under a letter dated 06.11.2005.
5. From perusal of the instructions, we find that there is no change in the stand of the authorities. The instructions convey substantially the same stand which has been stated in the affidavit-in-opposition.
6. It is the case of the respondents that the petitioner was appointed as Bhumi Sahayak in 1984. Having completed 10 (ten) years of service as Bhumi Sahayak, he was given the benefit of Career Advancement Scheme in the year, 1994. The petitioner, therefore, cannot claim the benefit of a promotion, once he has been given benefit of Career Advancement Scheme. The promotional claim with effect from 1987 has arisen much later in the year 2001. On the date of issuance of the Notification dated 25.06.2001, the petitioner was

not continuing in the service of Bhumi Sahayak. In 1996, he had participated in a recruitment process and appointed as a Revenue Inspector on 07.11.1996. He thereafter ceased to be a Bhumi Sahayak and for this reason also there was no basis for the petitioner to raise a claim based on parity with a junior who continued in the cadre of Bhumi Sahayak. The submissions advanced on behalf of the State have been accepted by the S.A.T.

7. We find no infirmity in the stand of the State.
8. The concept of Career Advancement Scheme or time bound promotion by now stands settled. It is to provide some financial benefit of a higher grade or scale to such employees who for one reason or the other are suffering stagnation in a post.
9. In the instant case, the Career Advancement Scheme was due after stagnation of 10 (ten) years. Finding the petitioner to be stagnant on the post of Bhumi Sahayak, the same was granted. In such a situation, the Notification dated 25.06.2001 itself contemplates that the claim for promotion as Bhumi Sahayak-I will not be entertained. Even otherwise since the petitioner ceased to be a member of the cadre at the time of issuance of the Notification dated 25.06.2001, the petitioner was not in a position to make any such claim.

10. The order dated 04.04.2024 passed by the S.A.T. in O.A. No. 332 of 2019, accepting State's stand, requires no interference.
11. The Writ Petition being **W.P.S.T. No. 111 of 2024** is dismissed.

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)