

11.11.2025
Ct. No.4
Sl. No.28
akd

W. P. S. T. 143 of 2025

[Shyamal Biswas -Vs- The State of West Bengal & Ors.]

Mr. Aditya Sen

... ... for the petitioner

Mr. Jahar Lal Dey .. Id. A.G.P.

Mr. Ejaz Hossain

... ... for the State

1. Heard the learned Advocate for the writ petitioner as well as the learned Additional Government Pleader.
2. The writ petitioner retired as a Joint Director in 2012. Before the Tribunal, he raised a claim of promotion as Press Secretary and alleged that ignoring his legitimate claim by virtue of reservation, since he was a Scheduled Caste (SC) candidate, one Sri Sarit Kumar Bandyopadhyay, another Joint Director, was promoted as the Press Secretary.
3. The issue was considered by the Department wherein the applicant/petitioner was serving namely, the Department of Information and Cultural Affairs, Government of West Bengal. The Department held that said Sarit Kumar Bandyopadhyay was not promoted to the said post but was appointed on deputation. The authorities have further taken a stand in their affidavit-in-opposition that the post of Press Secretary was a single post created by the Home (Constitution & Election) Department and the posting of Sarit Kumar Bandyopadhyay was by way of deputation. The post being a single post, there was no question of any reservation and therefore, the petitioner's claim was not found to be admissible.

4. The Tribunal has taken note of the petitioner's claim and the stand of the State-respondents that appointment to the post of Press Secretary was not a promotion as was being claimed by the applicant/petitioner. Post was created and posting was done on the post by way of deputation from the rank of Joint Director. Therefore, the Tribunal has accepted the stand of the respondent authorities.

5. The Tribunal has also taken note of the fact that the petitioner had superannuated from service in the year 2012, raised a claim for promotion with effect from 19.02.2002, by way of an Original Application filed in the year 2022. Considering this aspects of the matter, the Tribunal has declined to interfere. The conclusion of the Tribunal is fortified by the decision of the Apex Court in the case of *Union of India vs. Tarsem Singh* reported in (2008) 8 SCC 648, wherein it was stated that if a claim involves issues of seniority or promotion, as in the present case, delay would render the claim stale and doctrine of delay and latches will apply.

6. We therefore, find no infirmity in the decision of the Tribunal declining interference with the reasoned order dated 25.05.2022.

7. No case is made out so as to overcome the delay with reference to any sufficient cause, for claiming promotion in the above circumstances, at such a belated stage. We therefore, find no reason to interfere with the order of the Tribunal.

8. The writ petition is accordingly, dismissed.

9. Urgent Photostat certified copy of the order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)