

Form No. J.(2)
Item No. DL/16
ARPAN - AR (CT)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
(Appellate Side)

W.P.A. NO. 26365 OF 2025

SALIL RAY

Vs.

THE STATE OF WEST BENGAL & OTHERS

BEFORE: THE HON'BLE JUSTICE SAUGATA BHATTACHARYYA

For the Petitioner : Ms. Pampa Dey (Dhabal), Adv.

For the State & Respondent No.3 : Mr. Debopriyo Karan, Adv.

For the Respondents No.2 : Mr. Debashis Banerjee, Adv.
Mr. Rakesh Jana, Adv.
Mr. Apurba Kolya, Adv.

Hearing concluded on : 04.12.2025

Judgment On : 04.12.2025

SAUGATA BHATTACHARYYA, J.:

1. Matter is heard in presence of the learned advocates representing the petitioner, State respondent, District Judge, Paschim Bardhaman and High Court Administration.

2. Issue relates to preparation of gradation list on 16th June, 2025 by the District Judge, Paschim Bardhaman being respondent no.3. It is pointed out by the learned advocate representing the petitioner that petitioner was appointed initially as Group-D staff under Judgeship of Paschim Bardhaman on 10th September, 2012 and subsequently, he was promoted to the post of Process Server *vide* memo dated 15th June, 2022 with retrospective effect from 10th September, 2018.
3. It is contended on behalf of the petitioner that while preparing gradation list on 16th June, 2025 by the respondent no.3, 10th August, 2022 was taken into consideration as the date of joining of the petitioner in the promotional post and petitioner was placed accordingly in the gradation list.
4. It is argued on behalf of the petitioner that if petitioner's promotion is reckoned on and from 10th September, 2018 then name of the petitioner will feature at a higher position in the impugned gradation list. In this regard reliance is placed on the memo dated 15th June, 2022 issued by the respondent no.3 wherein it is stipulated that the petitioner would get retrospective effect of benefit of promotion from the date when vacancy of Process Server arose. Though it was spelt out in the memo dated 15th June, 2022 that petitioner would get notional benefits from 10th September, 2018 being the date when vacancy in the promotional post arose but monetary benefits were allowed to the petitioner on and from 10th August, 2022, being the date when petitioner actually joined the post.

5. State respondents and respondent no.3 are represented by learned advocate who has made an attempt to defend the gradation list prepared on 16th June, 2025 based on facts that petitioner joined the promotional post on 10th August, 2022. Therefore, seniority of the petitioner as Process Server needs to be reckoned from 10th August, 2022, not from 10th September, 2018.
6. High Court Administration is represented by learned advocate.
7. Having considered the respective submissions made on behalf of the parties and taking note of the memo dated 15th June, 2022 issued by the respondent no.3, it is apparent that right of the petitioner to be promoted to the post of Process Server was acknowledged by the respondent no.3 with effect from 10th September, 2018 in view of availability of vacancy from the said date. However, such order was issued by the respondent no.3 *vide* memo dated 15th June, 2022 as a result whereof petitioner joined the promotional post on 10th August, 2022, not prior to that. It also needs to be considered that petitioner was granted notional benefits from 10th September, 2018.
8. Therefore, for all practical purposes promotion to the post of Process Server needs to be reckoned from 10th September, 2018, not from 10th August, 2022.
9. Hence, respondent no.3 is directed to modify the gradation list which was prepared on 16th June, 2025 and place the petitioner at the correct

position reckoning petitioner's promotion to the post of Process Server on 10th September, 2018.

10. Respondent no.3 is directed to complete the aforesaid exercise by four (4) weeks from the date of communication of this order and petitioner shall be entitled to get all the consequential benefits thereafter.
11. With the above directions writ petition stands disposed of.
12. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(SAUGATA BHATTACHARYYA, J.)