

**M.A.T. 1715 of 2025
With
CAN 1 of 2025**

**The West Bengal State Electricity
Distribution Company Limited & Anr.
Vs.
The West Bengal State Power Engineer's
Association & Ors.**

Mr. Debanjan Mukherjee

...for the WBSEDCL

Mr. Indrajeet Dasgupta,
Mr. Gourab Maiti

...for the Writ Petitioner/Respondents

Mr. Soumya Majumder, Sr. Adv.,
Ms. Sanjukta Dutta

...for the Private Respondent Nos.3 to 9

1. Heard the learned advocate for the appellants and the learned advocate representing the respondents.
2. The appeal is filed against an order rejecting an application to vary/modify the interim order passed earlier in the writ proceeding by the Hon'ble Single Judge. By the earlier interim order dated 22.12.2023, considering a *prima facie* case made out by the writ petitioners, the Hon'ble Single Bench, in W.P.A. 28971 of 2023, passed an interim order in the following terms :

"10. Since the promotion has been conducted only yesterday (21.12.2023), the petitioners may have made out a case for interference by this Court. However, since the promotees are not parties, and the post of Additional Chief Engineer is vital for the functioning of the

WBSEDCL, this Court, as on date, this Court only orders that the said promotion of seven persons shall be treated as temporary and tentative and subject to the final result of the writ petition.

11. The WBSEDCL shall file comprehensive affidavit-in-opposition, to justify the 70% marks towards the viva voce/interview in their affidavit. It shall also be indicated as to whether the criteria for promotion has been in public domain or made available to all participating candidates. It shall also be indicated as to whether the vacancies have been notified in advance.

12. Let such affidavit-in-opposition be filed mandatorily and positively by January 8, 2024. Reply, if any, be filed by January 12, 2024.”

3. Pursuant thereto, we are informed that today also an analogous matter is being considered by the Hon’ble Single Judge.
4. In the meantime, however, the present appellants filed an application seeking certain interim orders. The effect of which would be to vary/modify the earlier interim order.
5. The appellants herein sought an interim order permitting them to proceed with granting confirmation to the respondents on the promoted post, so as to consider them as eligible in the feeder post of Additional Chief Engineer for

promotion to the Chief Engineer. They further sought the relief that respondents may be permitted to consider the private respondents for promotion to the higher post of Chief Engineer. Considering the two prayers the Hon'ble Single Judge disposed of the application filed by the present appellants in the following terms :

“On the basis of these difficulties, prayers A and B of this application have been pressed.

I am of the view that allowing the prayers would amount to a final disposal of the writ petition without adjudication on merits.

In view of the foregoing, this writ petition should be decided as expeditiously as possible.

List this matter at the top of the list one week after the Puja Vacation before the Bench having jurisdiction to determine the matter.”

6. Pursuant to such direction, we are informed that an analogous matter is listed today also for consideration before the Hon'ble Single Judge.
7. We therefore, find no reason interfere with the order dated 11.09.2025, passed in the application.
8. We affirm the view of the Hon'ble Single Judge, quoted above.
9. The Appeal is disposed of.
10. Pending application also stands disposed of.

11. The present order may not be deemed to be an expression on the merits of the matter pending consideration before the Hon'ble Single Judge.

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)