

19<sup>th</sup> March, 2026  
(D/L No.29)  
Ct. No.4  
(SKB)

**W.P.S.T. 237 of 2016**

Jiban Kumar Roy and others  
Versus  
The State of West Bengal and others

Mr. B. N. Ray,  
Ms. Priyanka Das

... for the petitioners.

Mr. Tapan Kumar Mukherjee, Id. AGP,  
Mr. Somnath Naskar

... for the State.

1. Heard the learned advocate for the writ petitioners.
2. An admitted position recorded in the West Bengal Administrative Tribunal's (in short 'Tribunal') order, which is not in dispute before this court also, is that the gradation list based on which the petitioners were promoted by an order dated 17.03.2010 was quashed by the Tribunal in a proceeding arising out of O.A. No.1304 of 2012.
3. The gradation list having quashed by the Tribunal, the consequential promotional benefit granted to the petitioners were, therefore, also withdrawn by the impugned order. The impugned order before the Tribunal dated 20.05.2015, apart from withdrawing or

cancelling the promotion directed for recovery of the monetary benefits earned on account of such promotion during the validity of the promotion order.

4. The Tribunal taking note of the above facts and since the gradation list had been quashed, held that the petitioners' promotion, as a consequence of such gradation list, which stood quashed, was rightly cancelled or withdrawn by the impugned order.
5. While doing so, the Tribunal was of the view that since the promotion order has been cancelled, in such circumstances, then relying upon decision of the Apex Court in the case of ***State of Punjab and others Vs. Rafiq Masih (White Washer) and others*** reported in ***(2015)4 SCC 334***, directed that no recovery is to be made from the applicant/writ petitioner.
6. We have made a specific query from the learned advocate representing the writ petitioners whether the writ petitioners, at any point of time, put to challenge the order passed by the Tribunal in O.A. No.1304 of 2012 quashing the gradation list, which was the foundation for the petitioners' promotion. The answer is in the negative.

7. Such being the circumstances, we find no infirmity in consideration of the Tribunal by the judgment dated 15.06.2016 passed on the petitioners' O.A. No.1085 of 2015.
8. The Tribunal's order requires no interference by this court in exercise of extraordinary and discretionary writ jurisdiction under Article 226 of the Constitution of India.
9. The writ petition is, thus, dismissed.

**(Madhuresh Prasad, J.)**

**(Prasenjit Biswas, J.)**