

Prabhat Kumar Mandal Vs State Of West Bengal & Ors

Court: Calcutta High Court (Appellate Side)

Date of Decision: Jan. 15, 2025

Acts Referred: Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013

Hon'ble Judges: Jay Sengupta, J

Bench: Single Bench

Advocate: Anjan Bhattacharya, Anita Shaw, Salma Sultana, Sirsanya Bandopadhyay, Ritesh Kumar Ganguly

Final Decision: Dismissed

Judgement

Jay Sengupta, J.:

This is an application praying for direction upon the D.P.I. to consider the case of the petitioner for promotion from Group A, to the post of

Group A while working at the Durgapur Womens College.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner was issued a letter of appointment on 27.03.2007 by the

Durgapur Womens College appointing him to the post of Generator-cum-Pump Operator against certain scales of pay. On 05.09.2007 the D.P.I.

fixed the pay of the petitioner as Generator-cum-Pump Operator. However, later on, the petitioner came to know that the post was actually of

Generator-cum-Pump Operator-cum-Gas Plant Operator-cum-Mechanic. Therefore, the petitioner is entitled to more pay because he is performing

more number of jobs. That apart, by a notification dated 26.11.2007 an earlier G.O was modified and it was decided that duly qualified candidates

working for at least five years as regular employees in Group A category in non government college in the State may be considered for

appointment to the post of Group A category of that college along with the candidates sponsored by the employment exchanges provided such

candidates fulfilled the conditions for recruitment to the said post. In view of this, the petitioner made representation seeking promotion to Group

A post, but the same was never considered.

Learned senior standing counsel representing the State denies the allegations, relies on the report and submits as follows. The petitioner joined the

Durgapur Womens College in the post of Generator-cum-Pump Operator-cum- Gas Plant Operator-cum-Mechanic in a Group A post on

27.03.2007. However, in the appointment letter the College Authority erroneously mentioned the designation as Generator-cum-Pump Operator. The

pay fixation memo issued by the D.P.I. also mentioned the erroneous designation. However, by a subsequent memo of the Higher Education

Department dated 10th May, 2018, the designation was clarified as Generator-cum-Pump Operator-cum- Gas Plant Operator-cum-Mechanic.

Moreover, the petitioner has misinterpreted the letter dated 10.05.2018 as for promotion from the Group A to Group B and to highest

scale of pay. The said letter was only a clarification, which was never challenged by the petitioner. So far as the claim of the promotion from Group

A to Group B post is concerned, there is no provision for such promotion. The notification dated 26.11.2007 never mentions the term

promotion. Rather, it mentions that duly qualified candidates working for the last five years may be considered for appointment to the post of Group

B category. Such consideration would become an issue once the College decides to appoint somebody in the said Group B post.

No one appears on behalf of the College.

It appears that by a subsequent clarification, it was made abundantly clear that the post to which the petitioner was appointed was that of Generator-

cum-Pump Operator-cum- Gas Plant Operator-cum-Mechanic. In fact, this letter/clarification was not challenged by the petitioner.

So far as the notice dated 26.11.2007 was concerned, it never dealt with the issue of promotion, as rightly contended on behalf of the State. There is

no provision for promotion from Group A to Group B. The letter only relates to appointment to Group B post to which the

petitioner, who had working for five years in the Group B post, could possibly apply if notified.

In view of the above, I do not find any merit in this application.

Accordingly, the writ petition is dismissed, however, without any order as to costs. If at a subsequent stage, the scope for direct appointment to

appropriate Group B post opens up, the petitioner may be considered along with others for such post in accordance with law.

Urgent certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.