

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

The Hon'ble Justice Ranjit Kumar Bag
& The Hon'ble Dr. Subesh Kumar Das

Case No – **OA 1177 OF 2014**

Ashok Kumar Majumder vs The State of West Bengal & Ors.

Serial No. and Date of order. 1	Order of the Tribunal with signature 2	Office action with date and dated signature of parties when necessary 3
11 22.04.2019	<p>For the Applicant : Mrs. S. Mitra, Learned Advocate</p> <p>For the Respondents : Mr. M.N. Roy, Learned Advocate</p> <p>The applicant has prayed for direction upon the respondents for grant of promotion with retrospective effect from the date on which his immediate junior got the promotion to the post of Assistant Sub-Inspector of Police and other ancillary reliefs.</p> <p>The applicant joined in the post of Constable of Police in the year 1999. On January 22, 2006, one criminal case under section 498A/406/323 of IPC was started against the applicant on the basis of Barrackpore P.S. Case No. 4 of 2006. The applicant was arrested in connection with the said criminal case on January 22, 2006 and suspended from service by an order dated January 24, 2006. The departmental enquiry was also started against the applicant vide proceeding no. 1 of 2006 dated February 17, 2006 which ended in imposition of punishment of stoppage of one increment for two years without cumulative effect and period of suspension was confirmed by the order of the disciplinary authority on July 24, 2006. The applicant was acquitted of the criminal charge by Learned</p>	

ORDER SHEET

Ashok Kumar Majumder

Form No.

.....
Vs.

The State of West Bengal & Ors.
.....

Case No. **OA 1177 OF 2014**

Judicial Magistrate, 4th Court, Barrackpore on February 14, 2014 in G.R. No. 178 of 2006. The contention of the applicant is that he passed the examination for promotion to the post of Assistant Sub-Inspector of Police on two occasions – first in the year 2009 and secondly, in the year 2011. The grievance of the applicant is that he was not granted promotion to the post of Assistant Sub-Inspector of Police with retrospective effect from the date on which his immediate junior got the said promotion.

Mrs. Mitra, Learned Counsel for the applicant, has failed to enlighten us on which date the applicant got promotion to the post of Assistant Sub-Inspector of Police and on which date the immediate junior of the applicant got promotion to the post of Assistant Sub-Inspector of Police. We have heard Mr. Roy, Learned Counsel representing the state respondents.

On consideration of the materials on record, we find that the applicant was not entitled to be considered for promotion to the post of Assistant Sub-Inspector of Police till June 30, 2009 for imposition of punishment of withholding of one increment for two years without cumulated effect on July 24, 2006. Nor was he entitled to be considered for promotion to the post of Assistant Sub-Inspector of Police till February 14, 2014 on which date he was acquitted of the criminal charge by the competent Court of Law. The issue of grant of retrospective promotion to the applicant could have been considered by the Tribunal had

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Form No.

.....

Vs.

The State of West Bengal & Ors.

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the information been disclosed by the applicant about the date of his actual promotion to the post of Assistant Sub-Inspector of Police and the date of promotion of his immediate junior to the post of Assistant Sub-Inspector of Police. In the absence of furnishing the above information, we are constrained to hold that applicant is not entitled to get any relief in the present application.

As a result, the present application is **dismissed**.

Let a plain copy of this order be supplied to both parties.

(S.K. DAS)
MEMBER(A)

(R. K. BAG)
MEMBER (J)

Sanjib