

**ORDER SHEET**

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Bikash Bhavan, Salt Lake, Kolkata – 700 091.**

**Present-**

**THE HON'BLE SAYEED AHMED BABA, OFFICIATING CHAIRPERSON AND ADMINISTRATIVE MEMBER,**

**Case No. - CCP 43 OF 2023 (OA 685 OF 2022)**

**KAMAL HOWLADER - Vs - DR. P. ULAGNATHAN, THE SECRETARY, PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT, GOVERNMENT OF WEST BENGAL & OTHERS.**

Serial No. and  
Date of order

05  
09.01.2025

For the Applicant : Mr.Goutam Pathak Banerjee  
Mrs.Subarna Das  
Advocates

For the Alleged Contemnor / : Mr.Sankha Ghosh  
Opposite Party Advocate

For the Public Service : Mr.Sourav Bhattacharjee  
Commission, West Bengal Advocate

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 638-WBAT/2J-15/2016 (Pt.-II) dated 23<sup>rd</sup> November, 2022 issued in exercise of the powers conferred under Section 5 (6) of the Administrative Tribunals Act, 1985.

On consent of the learned counsels for the contesting parties, the case is taken up for consideration sitting singly.

Mr.S.Ghosh, learned counsel has drawn attention to Memo. 2603 dated 28.04.2023 as the compliance report of this Tribunal's direction in OA-685 of 2022. After careful examination of this four pages reasoned order, the Tribunal finds that the alleged contemnor has decided that the issue relating to promotion of the applicant requires opinion of the Public Service Commission. The relevant part of the reasoned order is as under:

*“In view of above and after careful consideration of the entire matter in detail including the representation submitted by the applicant in this regard, I am of the opinion that the Public Service Commission, West Bengal, being the appropriate Authority for considering the issue of promotion of the Applicant may be requested to look into the matter*

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*with due consideration.”*

However, from the submissions of Mr.S.Ghosh, it has become clear that although the opinion of the Commission was felt necessary, but no such proposal has been moved before the Commission seeking his opinion relating to promotion of the applicant.

Therefore, the Tribunal has come to this conclusion that the reasoned order is not the full compliance of the direction of the Tribunal, since no proposal has been moved before the Commission. The Tribunal is disappointed to observe that the said reasoned order dated 28.04.2023 recommending opinion of the Commission has been left without any proposal to the Commission.

Mr.S.Bhattacharjee, learned counsel has appeared representing the Secretary of the Public Service Commission. Mr.Bhattacharjee, wishes to take instructions.

Let the alleged contemnor No. 1, file a copy of the proposal moved to the Public Service Commission for provisional promotion of the applicant. Matter to appear under the heading ‘Hearing’ on 7<sup>th</sup> March, 2025.

**(SAYEED AHMED BABA)**  
**OFFICIATING CHAIRPERSON AND MEMBER (A)**

BLR