

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 – 97 of 2022 (OA-756 of 2021)

**SWAJAN SHOME Vs Mr. B.P. GOPALIKA, ADDITIONAL CHIEF
SECRETARY, HOME & HILL AFFAIRS DEPARTMENT,
GOVERNMENT OF WEST BENGAL & ORS.**

Serial No. and Date of order	For the Applicant	: None
<u>7</u> 14.09.2022	For the Alleged Contemnor / Opposite Party	: Mr. Manujendra Narayan Roy, Advocate
	For the Public Service Commission, West Bengal	: Mr. Saurav Bhattacharjee, 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 23rd 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 parties, the case is taken up for consideration sitting singly.

None appears for the applicant. Ms. Subarna Das, learned advocate appears on behalf of Mr. Asim Kumar Niyogi, learned advocate-on-record for the applicant.

Mr. Saurav Bhattacharjee, learned counsel brings to the notice of the Tribunal that though he had been present on behalf of the Commission on 20.07.2023 in the Tribunal, however, he does not find his name recorded in the order. Accepting Mr. Bhattacharjee's submission, it is to be recorded that Mr. Bhattacharjee's name be mentioned as present on 20.07.2023 hearing as the learned counsel representing the Secretary, Public Service Commission.

Appearing on behalf of the alleged contemnor, Mr. Manujendra Narayan Roy and Mr. Saurav Bhattacharjee, learned counsels present a copy of memo No.1151-P.S.Cell/HR/o/3p-50/14 (Pt-II) dated 21.08.2023 and submit that the directions of the Tribunal in O.A. 756 of 2021 dated 26.07.2022 has been now fully complied.

The Tribunal had directed the respondents to "consider the case of the

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applicant for promoting him to the rank of Deputy Superintendent of Police”. During a hearing of this matter on 12.12.2022 the State had submitted that such consideration will require the advice of the Public Service Commission since the applicant belongs to the Group-A service. Further, such advice has been sought from the Commission and was awaited.

It appears from the memo filed today that the Public Service Commission, after consideration of the records, did not find the applicant, Shri Swajan Shome suitable for promotion due to Average Merit Rating as “Below Average”.

Submission of the learned counsels is that since the matter of promotion of the applicant has been considered and thus the direction of the Tribunal complied, this contempt application may be disposed of.

In view of the above submission and considering the memo No.1151-P.S.Cell/HR/o/3p-50/14 (Pt-II) dated 21.08.2023, this Tribunal is of the opinion that the directions of this Tribunal in O.A. 756 of 2021 dated 26.07.2022 has been complied by the alleged contemnor. The contempt proceedings against the alleged contemnors is dropped and this contempt application is disposed of.

(SAYEED AHMED BABA)
OFFICIATING CHAIRPERSON
and MEMBER (A)

SCN.