

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Mrs. Urmita Datta (Sen), Officiating Chairperson & Member (J)

Case No. – MA 101 of 2022 [OA 307 of 2022]

Gitesh Das Mahapatra -- VERSUS – The State of West Bengal & Ors.

Serial No. and Date of order	For the Applicant	: Mr. B.R. Neogi, Mr. A.K. Niyogi, Ld. Advocates.
<u>02</u> 07.09.2022	For the State Respondent	: Mr. J. Majumder, Mr. A.R. Mukherjee, Ld. Advocates. Mr. A. De, Ms. R. Sarkar, Mr. S. Deb Roy, Departmental Representatives.

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 536-WBAT/2J-15/2016 dated 26th August, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

The instant MA has been filed praying for consideration of his case of promotion as the erstwhile draft Charge-Sheet dated 08.08.2014 had been withdrawn by the Disciplinary Authority as per their submission made in OA 282 of 2017. However, subsequently, the applicant was served with the new Charge-Sheet dated 22.04.2022. In view of the above, as per the applicant, there is no Charge-Sheet against the applicant till 22.04.2022, therefore, he is entitled to be considered for promotion as due to him since 2014 to 2022.

However, the counsel for the respondent has vehemently objected to the maintainability of the instant MA as the applicant has already filed another OA being 385 of 2019 praying for a direction upon the respondents to consider his promotion, therefore, he cannot make the same prayer in the instant OA.

In view of the above, the counsel for the applicant has fairly submitted that he wants to withdraw the instant MA. However, he has submitted that both the matters can be listed in a single day.

Accordingly, the MA is **dismissed as withdrawn**.

Let both the OA-385 of 2019 and OA 307 of 2022 be listed on **26.09.2022**.

CSM/SS

URMITA DATTA (SEN)
Officiating Chairperson & Member (J)