

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson & Member (A)

Case No. OA – 350 of 2024

Swajan Shome - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. For the Applicant : Mr. A. K. Niyogi,
and Advocate

Date of order
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29.07.2024 For the Respondents : Mr. G.P. Banerjee,
Advocate

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

In this application, the prayer for a direction to expunge the adverse ACR comments has been opposed for admission by Mr. Banerjee, learned counsel appearing on behalf of the State respondents. Mr. Banerjee informs that this prayer was earlier heard by the Tribunal in another O.A. No. 433 of 2019. After hearing the matter, the Tribunal disposed of the same by giving liberty to the applicant to file a representation before the respondent authorities ventilating his grievances. In terms of such a direction, respondent authorities took a decision and conveyed the same to the applicant that his representation has been reviewed and after careful consideration his prayer for expunging the adverse remarks has been regretted. Not satisfied with such decision of the respondent authorities, the applicant filed WPST 64 of 2024 in the Hon'ble High Court. The Hon'ble Court after hearing the matter dismissed the same without giving any directions by stating that "No interference is called for in the present writ petition and the same is, accordingly, dismissed." Submission of Mr. Banerjee is that this matter earlier disposed of by the Tribunal and considered by the respondent authorities and finally dismissed by the High Court is not admissible in this Tribunal. The Hon'ble High Court also had noted the following observations:

"Though the said order dated 21st June, 2022 gave rise to a fresh cause of action, the petitioner did not challenge the same before the appropriate forum and affirmed the present writ petition before this Court about two years thereafter on 20th March, 2022.

In the said conspectus, no interference is called for in the present writ petition and the same is, accordingly, dismissed."

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THE STATE OF WEST BENGAL & ORS.

Having heard the submissions of the learned counsels and on examination of the records, the Tribunal has come to the findings that this application is not admissible in this Tribunal. Therefore, devoid of merit, this application is disposed of without passing any orders.

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

A.K.P