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 – 538 of 2023

Anjan Ray Chaudhury - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order		
2 20.08.2025	For the Applicant	: Mr. G.P. Banerjee, Mr. A Dutta, Learned Advocates
	For the Respondents	: Mr. S.N. Ray, Learned 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.

By filing this application before the Tribunal, the applicant has prayed for a direction upon the respondent authorities to pre-pone / ante date the benefit of promotion through CAS from Stage-II to stage-III on and from 19.11.2012 instead of 28.08.2014. The applicant has also prayed for Scale-II to Scale-IV on and from the year 2015.

In compliance to the direction of this Tribunal in O.A. 584 of 2022 dated 29.09.2022, the Director of Public Instruction in Memo No. 115L dated 10.04.2023 passed the reasoned order. This reasoned order, after elaborately stating the facts and the relevant rules rejected the prayer of the applicant for promotion under CAS from Stage-II to Stage-IV. The primary reason for rejection of promotion from Scale-II to Scale-III appears to be that the applicant had failed to clear the Refresher Course within 18.11.2022 in terms of UGC's letter No. F No 2-16/2002. Later, the applicant having cleared the Refresher Course was allowed the CAS benefit from 09.06.2011 to 28.02.2014.

As regards his prayer for CAS benefit from Stage-III to Stage-IV, the Director of Public Instruction noted that the applicant was under suspension from 20.01.2016 to 17.01.2017 and a disciplinary proceeding was pending against him. Although the suspension order was revoked later and he was reinstated but the period of suspension from 20.01.2016 to 17.01.2017 was not treated as "spent on duty". The reasoned order refers to Sub-rule 7 of Rule 72B of WBSR, which stipulates that a period of suspension shall not be treated as "spent on duty" unless the competent authority specifically

directs that it shall be treated as any specific purpose in the reinstatement order under Memo 384 dated 17.01.2017. The respondent observes that there was no mention as to how the period of suspension would be dealt with. So, in the absence of any specific order of the competent authority, the Director was not in a position to allow the prayer of the applicant for movement from State-III to Stage-IV. Incidentally, the applicant has not prayed for treating that suspension period as "spent on duty". Emphasising the grounds of rejection of the prayer in the reasoned order, Mr. Ray, learned counsel for the respondents submits that no rule exists under which such prayer for ante dating the promotional benefit under CAS can be given to the applicant.

Mr. Ray further refers to paragraph 9 of the reply filed by the respondent authority and argues that such prayer for CAS benefit from Stage-II to stage-III with effect from 20.11.2012 was not in favour of the applicant since he did not have the required API score in category 3. Therefore, after failing to produce supplementary documents for his CAS benefit with effect from 20.11.2012, there is no provision for a post-facto evaluation of his CAS careers.

Mr. A. Dutta, learned counsel with Mr. Banerjee wishes to file a short rejoinder in response to the grounds in the reasoned order rejecting the prayer of the applicant. Let such brief rejoinder be presented before this Tribunal on 08.09.2025 and copy be served upon Mr. Ray beforehand.

Let the matter appear under the heading 'Hearing' on 08.09.2025.

SAYEED AHMED BABA
OFFICIATING CHAIRPERSON & MEMBER(A)

A.K.P.