

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. –OA 13 of 2020

Mintu Chakraborty. - Versus - The State of West Bengal & Others.

Serial No. and
Date of order

For the Applicant

: Mr. M. Ganguly,
Advocate.

10
13.03.2024.

For the State Respondents

: Mrs. S. Agarwal,
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 contesting parties, the case is taken up for consideration sitting singly.

The prayer in this application is for a direction to the respondent authorities to promote the applicant to the rank of Deputy Ranger / Forester. By an order dated 18.06.2019, the applicant was “primarily selected for promotion to the rank of Deputy Ranger / Forester”. However, due to pendency of a criminal case, the applicant was not promoted. It appears that his superior officer requires to submit a “No Bar Certificate” to the competent authority which will enable the applicant to be promoted. Due to pendency of such a criminal case, the concerned officer has not issued such “No Bar Certificate”. In the representation furnished by the applicant before the respondent authorities he has expressed that pendency of a criminal case does not bar him to be promoted, if he is otherwise eligible. In response to the prayer and submission of Mr. M. Ganguly, Mrs. Agarwal points out the relevant Para 6 of the reply of the State respondents. In this Para, the respondent authority has clarified that such a “No Bar Certificate” is required for promotion of the applicant. Such certificate is on the basis of stipulations in Government Orders : (i) 3940(28)-F dated 28.03.1978,

ORDER SHEET

Form No.

Mintu Chakraborty.

Case No. **OA 13 of 2020.**

Vs.

The State of West Bengal & Others.

(ii) 5791-F dated 11.06.1980 and (iii) 224-P&A.R dated 12.06.1980.

Since copies of such notifications are not with the reply, Mrs. Agarwal has been advised to file these copies before this Tribunal on the next date.

Let the matter appear under the heading 'Hearing' on 13.08.2024.

(SAYEED AHMED BABA)
Officiating Chairperson and Member (A)

HS/SM