

**ORDER SHEET**  
**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

**Present-**

**The Hon'ble Justice Soumitra Pal, Chairman.**

**Case No. - OA 178 of 2020**

**Bikash Kumar Sarkar - VERSUS - THE STATE OF WEST BENGAL & ORS.**

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| Serial No. and<br>Date of order | For the Applicant | : Mr. U.D. Chattopadhyay,<br>Smt. S. Saha,<br>Advocates. |
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05  
31.03.2021

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| For the State Respondent | : Mr. S. Bhattacharjee,<br>Advocate. |
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The matter is taken up by the single Bench pursuant to the Notification No. 949-WBAT/2J-15/2016 dated 24<sup>th</sup> December, 2020 issued in exercise of the powers conferred under sub-section (6) of Section 5 of the Administrative Tribunals Act, 1985.

Let affidavit of service filed be kept on record.

Heard Mr. U.D. Chattopadhyay, learned advocate for the applicant and Mr. S. Bhattacharjee, learned advocate for the State respondents. Despite service of notice, none appears on behalf of the private respondent no. 7.

The matter is admitted. Let reply be filed by 18<sup>th</sup> June, 2021. Rejoinder, if any, by 16<sup>th</sup> July, 2021.

Matter to appear under the heading "Reply, Rejoinder and Objection" on 19<sup>th</sup> July.

Since it is submitted by Mr. Chattopadhyay that though the departmental proceeding is pending since 24<sup>th</sup> July, 2019 and though the department had decided to initiate departmental proceeding against the applicant on 9<sup>th</sup> May, 2016, however, no promotion has been given to

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the applicant on the plea that the departmental proceeding is pending. Submission is that in view of the memorandum dated 12<sup>th</sup> June, 1980, provisional promotion be given during pendency of the departmental proceeding.

Mr. S. Bhattacharjee submits that since the departmental proceedings were initiated pursuant to the memorandum dated 24<sup>th</sup> July, 2019, as evident from annexure P – 6 to the application, no order in that regard may be passed.

Let the matter be heard after filing of reply and rejoinder. However, pendency of this application shall not prevent the respondent authorities to promote the applicant on the basis of memorandum dated 12<sup>th</sup> June, 1980 as prima facie I find that by memo dated 9<sup>th</sup> May, 2016, the department had decided to initiate the departmental proceedings against him.

Let a copy of this order be served on Drubojoyti Mazumdar, the private respondent no. 6 through the office of the Joint Secretary, Panchayat and Rural Development Department, the respondent no. 2(i) (b) by 12<sup>th</sup> April, 2021 and supplementary affidavit be affirmed and filed on the next date of hearing.

(SOUMITRA PAL)  
CHAIRMAN

Rajib