

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman.

Case No. –OA-216 of 2021

Debashis Chakraborty. - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	: Mr. G. P. Banerjee, Mr. M. N. Roy, Mr. G. Halder, Advocates.
<u>3</u> 22.3.2021	For the State Respondents	: Mr. D. Kole, Advocate.

The matter is taken up by the single Bench pursuant to the Notification No. 949-WBAT/2J-15/2016 dated 24th December, 2020 issued in exercise of the powers conferred under sub section (6) of section 5 of the Administrative Tribunals Act, 1985.

Heard Mr. G. P. Banerjee, learned advocate for the applicant.

It is submitted by Mr. D. Kole, learned advocate for the State respondents that as he has received instructions, direction may be issued for filing of affidavits.

Let reply be filed by 5th April, 2021. Rejoinder, if any, by 7th April, 2021. Let the matter appear under the heading "For Orders" on 7th April, 2021.

Referring to the memorandum dated 27th November, 2018, it is submitted by Mr. Banerjee that as the applicant has apologised unconditionally, as evident from page-23 of the application, and as the respondents by intimation dated 25th January, 2021 are denying promotion to the post of Deputy Inspector General of Correctional Services, West Bengal though the applicant is senior most and as the

ORDER SHEET

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censure was not imposed in the year 2018, when the applicant had admitted his guilt and as in the minutes of the Public Service Commission, West Bengal, it has been categorically mentioned that in the case of censure one should not be considered for promotion for a period of one year, appropriate interim order may be passed which is opposed by Mr. Kole.

Heard learned advocates for the parties. Since prima facie I find though the applicant on 7th December, 2018 had submitted unconditional apology which called for censure in the year 2018 and as the Public Service Commission, West Bengal, has resolved that in such an event one should not be considered for promotion for a period of one year and as no order was passed in the year 2018, let there be an interim order by directing the respondent nos. 1, 2, 3 and 4 not to fill up the post of Deputy Inspector General of Correctional Services, West Bengal till 19th April, 2021.

(SOUMITRA PAL)
CHAIRMAN

S.M.