

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-26 of 2024

Chanchal Guha -- **VERSUS** – The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant : Mr. K. Basu, Ld. Advocate.
Mr. S. Banerjee, Ld. Advocate.
For the State Respondent : Mr. S.N. Ray, Ld. Advocate.

01
19.02.2024

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.

Affidavit of service filed be kept on record.

The applicant has prayed for a direction to the respondent authorities to grant promotion to the applicant to the post of Executive Engineer and refix his seniority accordingly. In terms of this Tribunal's direction in OA 464 of 2023, the respondent authority passed a reasoned order on 19.12.2023. The reasoned order notes that the Departmental Promotional Committee had recorded such promotion of the applicant as "unfit for promotion". Such noting appears to be due to his involvement and pendency of a criminal case.

Mr. Banerjee has submitted that the Hon'ble High Court at Calcutta has directed the Trial Court to expedite the conclusion of such criminal case.

Mr. Ray refers to the findings of the reasoned order and emphasises that such promotion at this point of time cannot be considered due to his involvement in a criminal case. Such consideration can only come after such criminal case has been concluded and in which the applicant has been acquitted.

After hearing the submissions of the learned counsels, the Tribunal is of the considered view that since his prayer for promotion has not been considered due to his involvement in a pending criminal case, it would not be appropriate to pass any direction to the respondent authorities. Further, since the Hon'ble High Court at Calcutta has been pleased to direct the Trial Court for expeditious disposal of the criminal case, intervention by this Tribunal may not be proper.

In view of the above facts, no order is passed in this matter and is, thus, **disposed of.**

CSM/SS

SAYEED AHMED BABA
Officiating Chairperson & Member (A)