

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

Case No. – OA 317 OF 2020

GOUTAM CHAKRABORTY - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order For the Applicant : Mr. Akmam Khan,
Advocate

9
19.07.2022 For the Respondents : Mr. Sankha Ghosh,
Advocate

The matter is taken up by the single Bench pursuant to the order contained in the Notification No.118-WBAT/1E-08/2003 (Pt.-II) dated 11th February, 2022 issued in exercise of the powers conferred under section 6(5) of the Administrative Tribunals Act, 1985.

In this application, Goutam Chakraborty, the applicant, has prayed for certain reliefs, the relevant portion of which is as under:

“(a) *To direct the respondents authorities particularly the District Magistrate North 24-Parganas, to grant promotion to the applicant with all consequential benefit on and from the date the respondent no.7 was promoted i.e. 20.10.2010.*

(b) *To direct the respondents authorities to pass an order to the representation of the respondents dated 02.03.2020 and 06.03.2020 without any delay.”*

It appears that the applicant was appointed as Cashier-cum-Store-Keeper at Hingalgunj Development Block under the Department of Panchayat & Rural Development on 21st July, 1995 and was posted at Hingalgunj Development Block in the office of the District Panchayat & Rural Development Officer, North 24-Parganas. While the applicant was working as Cashier-cum-Store-Keeper at Hingalgunj Development Block, a complaint was lodged against the applicant and

Form No.

GOUTAM CHAKRABORTY

Vs.

Case No. **OA 317 OF 2020**

THE STATE OF WEST BENGAL & ORS.

on the basis of the said complaint a criminal case was instituted against the applicant and he was suspended from service with effect from 6th June, 2007. It also appears that departmental proceeding was initiated against the applicant, wherein an order was passed by the District Magistrate, North 24-Parganas on 8th January, 2016, the relevant portion of which is as under:

“.....After due consideration of the reports as submitted by Inquiring Authorities, I hereby hold that the incumbent Sri Goutam Chakraborty is exonerated from the Article of Charges-I, II, III, IV and V.

However, from the Reports of Inquiring Authority it is quite clear that the Cash Books were not written regularly by the Cashier and such conduct in part of Sri Goutam Chakraborty Cashier cum Store-keeper indicate negligence of duty.

Hence, as provided for under Rule 11 of the West Bengal Services (Classification, Control and Appeal) Rules 1971, I do hereby order that Sri Cashier cum storekeeper be censured under Rule 8(i) of the same Rule for such omission.”

District Panchayat & Rural Development Officer, North 24-Parganas is hereby directed to take necessary action for implementing the above noted order immediately.”

Against the said order, the applicant filed an appeal before the appellate authority and the appellate authority after hearing the applicant allowed the appeal on 31st July, 2019 with a direction to pay full salary during the suspension period.

It appears that the applicant implicated in G.R. Case no.886 of 2007 was

acquitted by judgement dated 4th February, 2017 delivered by the learned Judicial Magistrate First Additional Court, Basirhat.

It is submitted by Mr. Akmam Khan, learned advocate for the applicant since the applicant has been exonerated in the departmental proceeding and has been acquitted in the criminal proceeding and as the entire period of suspension is treated as full duty and the money withheld has been released, orders as prayed for may be passed.

Mr. Sankha Ghosh, learned advocate for the State respondents prays that the matter may be adjourned and time be further extended for filing reply.

It appears from records that on 9th December, 2020, directions were issued to file reply. On 15th March, 2021 time to file reply was extended. On a further prayer on behalf of the State respondents it was again extended on 7th April, 2022. Time to file reply was again extended on 28th June, 2022. On 12th July, 2022, on the prayer of the State respondents, the matter was adjourned and it was directed to appear today under the heading "For Orders". It is submitted by Mr. Ghosh, on instruction by email dated 15th July, 2022 from the District Panchayat & Rural Development Officer, North 24-Parganas, the respondent no.5 that the said respondent has prayed for time as the matter is under process. The prayer for adjournment cannot be acceded to for the lackadaisical attitude on behalf of the State respondents. Since adjudication of the matter has got delayed due to the inaction on behalf of the respondent no.5, the prayer for adjournment is refused. Let a copy of the email dated 15th July, 2022, sent by the respondent no.5 to Mr. Ghosh, be kept on record.

Since admittedly the applicant has been exonerated from the charges in the departmental proceeding and has been acquitted in the criminal proceedings and as it is evident from the order dated 25th April, 2022 passed in MA 120 of 2021

ORDER SHEET

Form No.

GOUTAM CHAKRABORTY

Case No. **OA 317 OF 2020**

Vs.

THE STATE OF WEST BENGAL & ORS.

SCN.

(OA 127 of 2018) that orders have been issued by the respondents directing re-fixation of the pay and the entire period of suspension has been directed to be treated as full duty and the respondents, including the respondent no.5, have not filed reply and as in the absence of reply the statements and allegations made in the application are deemed to be admitted, the applicant is entitled to the orders as prayed for.

Accordingly, the Joint Secretary, Block Cell, Panchayat & Rural Development Department, Government of West Bengal, Kolkata, the respondent no.3 is directed to issue necessary orders granting promotion to the applicant with all consequential benefits, including arrears of pay, if any, on and from the date on which the private respondent no.7 was promoted, that is from 20th October, 2010 within eight weeks from the date of presentation of copy of this order downloaded from the website of the Tribunal. The application is allowed.

(SOUMITRA PAL)
CHAIRMAN