

**ORDER SHEET**

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Bikash Bhavan, Salt Lake, Kolkata – 700 091.**

**Present-**

**HON'BLE JUSTICE SOUMITRA PAL, HON'BLE CHAIRMAN.**

**Case No. - OA 34 of 2021.**

**ARUNAVO GUPTA - VERSUS - THE STATE OF WEST BENGAL & ORS.**

Serial No. and Date of order	For the Applicant	: Mr. M.N. Roy, Mr. G. Halder, Advocates.
<u>02</u> 24.02.2021	For the State Respondent	: Mr. S.N. Ray, Advocate.

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.

In this application, Arunavo Gupta, the applicant has, inter alia, prayed for a direction upon the respondents to grant due promotion with all other consequential benefits including seniority from the scheduled date of promotion with interest.

It is submitted by Mr. M.N. Roy, learned advocate for the applicant that though disciplinary proceedings against the applicant was initiated by filing charge sheet on 6<sup>th</sup> August, 2014 and as till date such proceedings are continuing and as the applicant has given reply to the second show cause notice and as the promotion is due to him, in view of the memorandum dated June 12, 1980 issued by the Department of Personnel and Administrative Reforms, particularly the stipulations contained in paragraph 2(ii) thereof, the applicant is entitled to promotion on provisional basis. Since it is not the case of the respondents that the applicant has resorted to dilatory tactics in the disciplinary proceedings, appropriate order be passed.

Mr. S.N. Ray, learned advocate appearing on behalf of the state respondents, submits that the question is whether the applicant is eligible for promotion and whether other employees similarly situated

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have been promoted or not. If other employees similarly situated have been promoted, the case of the applicant will be considered for promotion on provisional basis.

In view of the submission made on behalf of the parties and considering the facts and circumstances of the case, the application is disposed of by directing the Additional Chief Secretary to the Government of West Bengal, Public Works Department, - the respondent no. 2, to consider the case of promoting the applicant on provisional basis due to the pendency of the departmental proceedings in the light of memorandum dated June 12, 1980, particularly the stipulations contained in paragraph 2(ii) thereof, by passing a reasoned order to be communicated to the parties within a period of eight weeks from the date of presentation of a copy of this order downloaded from the internet/website, after considering the relevant records and after considering whether others similarly situated have been promoted or not, in accordance with law.

(SOUMITRA PAL)  
CHAIRMAN

Skg.