

**ORDER SHEET**  
**WEST BENGAL ADMINISTRATIVE TRIBUNAL**  
Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present : **HON'BLE JUSTICE SOUMITRA PAL,**      **HON'BLE CHAIRMAN &**  
**HON'BLE SAYEED AHMED BABA,**      **ADMINISTRATIVE MEMBER.**

Case No. – OA 360 of 2018.  
SHYAMAL BISWAS – VERSUS- THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	: Mr.B. Bhushan, Advocate.
<u>13</u> 09.3.2022	For the State respondents	: Mrs. S. Agarwal, Advocate.

At the very outset, Mr. B. Bhushan, learned advocate for the applicant submits that he is not pressing prayers 'b' and 'c' of the application.

It is submitted on behalf of the applicant that as the order impugned, being annexure A/8 to the application, does not disclose the reasons declining his prayer for promotion to the rank of Director of Information, it may be set aside and the respondents may be directed to consider the matter afresh.

Mrs. S. Agarwal, learned advocate appearing on behalf of the State respondents submits that the applicant was informed that his prayer has been regretted as evident from the intimation dated 17<sup>th</sup> May, 2017. However, there are documents to show that the said decision is supported by orders. Further in this regard statements in support of the impugned order dated 17<sup>th</sup> May, 2017 have been pleaded in the reply.

The intimation dated 17<sup>th</sup> May, 2017 issued by the Deputy Secretary to the Government of West Bengal to the Ex-Additional Director of Information, I & CA Department is as under :-

*“Sub, :- Claim for up-gradation of official status and  
pay scale of Rs. 14300/-18300/- (old) to the  
rank of Director of Information w.e.f.  
19.02.2002 – regarding.*

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*Sir,*

*With reference to your prayer dated 14.03.2017 on the above mentioned subject I am directed to inform you that, after thorough examination of the matter, the Government in the I&CA Department regrets its inability to consider your prayer....”.*

We find as no reason has been given while declining the prayer of the applicant for being promoted to the rank of Director of Information, the order is nonest in the eye of law. The State respondents cannot come in aid of the impugned intimation dated 17<sup>th</sup> May, 2017, by making statements in the reply. Therefore, the impugned intimation dated 17<sup>th</sup> May, 2017 being annexure ‘A/8’, is set aside and quashed. The application is allowed. The Principal Secretary, Department of Information and Cultural Affairs, - the respondent no. 2 is directed to consider the matter afresh and shall pass a reasoned order to be communicated to the applicant within fifteen weeks from the date of presentation of a copy of this order downloaded from the website of the Tribunal, after giving an opportunity of hearing and after verifying the records.

(SAYEED AHMED BABA)  
MEMBER(A)

(SOUMITRA PAL)  
CHAIRMAN.

Skg.

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