

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

THE HON'BLE SAYEED AHMED BABA, OFFICIATING CHAIRPERSON AND ADMINISTRATIVE MEMBER,

Case No. - OA 39 OF 2019

MD. SHAFIULLAH GAZI - Vs - THE STATE OF WEST BENGAL & OTHERS.

Serial No. and
Date of order

For the Applicants : Mr.Suman Banerjee
Advocate

16
22.08.2024

For the State respondents : Ms.Ruma Sarkar
Mr.Sourav Debray
Mrs.A.Bhattacharya
Mr.R.Bag
(Departmental Representatives)

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 counsel and the learned Departmental representatives for the contesting parties, the case is taken up for consideration sitting singly.

By filing this application, the applicant has prayed for directing the respondent authorities to give him notional effect to the promotion of Special Revenue Officer, Grade-II with effect from 07.12.2007 and re-fix the pay and seniority accordingly. The applicant, being the charged officer, was imposed a punishment of withholding of two increments in the final order passed on 11.06.2014 after conclusion of the Disciplinary Proceedings. On 23.07.2014, the applicant being within the zone of consideration for promotion was promoted to the post of SRO-II. The contention of the applicant is that since his juniors had availed of such promotional benefit earlier, therefore, he is also entitled to receive notional promotion with effect from 07.12.2007. The learned Departmental representatives, however, oppose this prayer on the

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preliminary ground that no promotion during pendency of the Disciplinary Proceedings can be given to any employee. Further submission is that the promotion order had it made clear that benefits arising out of such promotion will be from joining to the promotion post. This promotion order being referred to was issued on 23.07,2014. Therefore, submission is that the applicant cannot agitate at this stage for giving benefits of such promotion notionally with effect from 07.12.2007, the period during which a Disciplinary Proceeding was being conducted against him. The Department also emphasise the point of limitation, since this application filed before this Tribunal in the year 2019 prays for a cause which occurred in the year 2014.

Let submissions of Mr.Banerjee appearing on behalf of the applicant be heard on the next date of hearing. Matter to appear under the heading 'Hearing' on 29th January, 2025.

(SAYEED AHMED BABA)
OFFICIATING CHAIRPERSON AND MEMBER (A)

BLR