

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

Mr. Sayeed Ahmed Baba, Officiating Chairperson and Hon'ble Member (A).

Case No. – OA 441 of 2022.

TARAK NATH BHANDARI –Vs- THE STATE OF WEST BENGAL & ORS

Serial No. and
Date of order

9
14.7.2023

For the Applicant : Mr. A.B. Chakraborty,
Advocate.

For the State respondents : Mr. G.P. Banerjee,
Mr. M.N. Roy,
Advocates.

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 for the contesting parties, the case is taken up for consideration sitting singly.

In terms of a direction of the Hon'ble High Court in WPST No. 393 of 2012, the applicant was allowed to join as a Constable on 26.6.2015 with the West Bengal Police. After his joining, he furnished representations before the respondent authorities to grant him all the promotional and other service benefits from his first appointment with effect from 26.5.2004 instead of 01.7.2015.

Aggrieved by non response from the respondents, the applicant had filed an application before this Tribunal being OA 397 of 2020 praying for a direction to the respondent authority to grant him promotional and other service benefits from his first appointment with effect from 26.5.2004. The Tribunal disposed of the application with a direction to the respondent authority to pass a reasoned order. In compliance, the Superintendent of Police, Purba Medinipore passed a reasoned order dated 4.5.2022. After examining the issue elaborately and giving several grounds, the reasoned order rejected the prayer for promotional and other service benefits with

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effect from 26.5.2004.

Mr. A.B. Chakraborty, learned advocate for the applicant submits that such benefits should have been given to the applicant from the day he joined the service i.e. 26.5.2004.

Mr. G.P. Banerjee, learned advocate for the State respondents submits that the Hon'ble High Court while directing the respondents allowing him to join the service, did not pass any order directing the respondents to grant him promotional and other service benefits with effect from 26.5.2004. Since his effective date of joining in the service became 01.7.2015, no past promotion or financial service benefits could be given to the applicant.

After examining the matter, the Tribunal is of the view that the effective date of his joining starts from 01.7.2015 in terms of the directing of the Hon'ble High Court. Further, one application relating to his prayer for notional promotion and service benefits was filed in this Tribunal in OA 397 of 2020. The Tribunal after hearing the matter disposed of that application with a direction to the respondent to pass a reasoned order and in terms of such direction, the reasoned order was passed by the respondent on 13.7.2022. Therefore, it is the opinion of this Tribunal that the prayer which had already been heard and disposed of by this Tribunal, cannot hear the same prayers again.

Accordingly, this matter is disposed of.

(SAYEED AHMED BABA)
Officiating Chairperson and Member (A).

Skg.