

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

Case No. - OA 451 OF 2020

ABHIJIT KARJEE - VERSUS - THE STATE OF WEST BENGAL & ORS.

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| Serial No. and Date of order | For the Applicant | : Mrs. Bulbul Sarbajna, Advocate |
| <u>5</u> 24.08.2022 | For the Respondent | : Mr. Manujendra Narayan Roy, Advocate |

The matter is taken up by the single Bench pursuant to the order contained in the Notification No.496-WBAT / 1E-08/2003 (Pt.-II) dated 4th August, 2022 issued in exercise of the powers conferred under section 6(5) of the Administrative Tribunals Act, 1985.

In the application, Abhijit Karjee, the applicant, - at present posted as Inspector of Police (AB), 2nd I.R. Bn, Siliguri, - has prayed for certain reliefs, the relevant portion of which is as under:

- “a) *To pass an Order directing the respondents to take steps for promoting the the applicant to the rank of Deputy Superintendant of Police as per his seniority immediately, if he is found otherwise eligible.*
- b) *To direct the respondents by an appropriate Order requiring them to consider the application of the applicant for his due promotion in accordance with settled principles of law.”*

Ms. Bulbul Sarbajna, learned advocate appearing on behalf of the applicant, submits that due to the pendency of the departmental proceeding, the matter regarding promotion of the applicant to the post of Deputy Superintendent of Police or Assistant Commandant was not considered. Submission is the said proceeding has come to an end with the passing of an order dated 22nd July, 2022 by the Additional Director General of Police (Law & Order), West Bengal

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holding the additional charge of Inspector General of Police (Headquarters), West Bengal, wherein it has been held that one increment has been withheld for a period of one year without cumulative effect. After currency period of the punishment is over, the respondents may be directed to consider the matter regarding promotion of the applicant as in the meantime his juniors have been promoted. Let a copy of the order dated 22nd July, 2022 filed be kept on record.

Mr. Manujendra Narayan Roy, learned advocate for the State respondents submits that since order has been passed in the departmental proceedings imposing punishment, the case of the applicant for promotion will be considered after the currency period of punishment comes to an end and if he is otherwise eligible.

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It appears from the order dated 22nd July, 2022 that the Enquiry Officer has held that “*1(one) annual increment withheld for a period of 1(one) year without cumulative effect.*”

In view of the submission made on behalf of the learned advocates for the parties, the application is disposed of by directing the Principal Secretary, Home Department, Government of West Bengal, the respondent no.2(A)1. to consider the case of promoting the applicant to the post of Deputy Superintendant of Police or Assistant Commandant after the currency period of punishment comes to an end and if he is otherwise eligible.

(SOUMITRA PAL)
CHAIRMAN