

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman.

Case No. - OA-454 of 2020

Sri Asoke Bose. - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order For the Applicant : Mr. M. K. Das,
Advocate.

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18.02.2021

For the State Respondents : 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 24th December, 2020 issued in exercise of the powers conferred under sub section (6) of section 5 of the Administrative Tribunals Act, 1985.

As prayed for by Mr. M. K. Das, learned advocate for the applicant, leave granted to add Inspector General of Police (Headquarters), West Bengal, as a party respondent no. 6, by amending the cause title in course of this day.

In this application, Asoke Bose, the applicant, has prayed for several reliefs, the relevant portion of which is as under :

“a) An order be passed commanding the respondents to act in accordance with the Order dated 22.11.2018 passed by the Hon'ble High Court at Calcutta in R.V.W. No. 57 of 2015 and put back the applicant on his regular pay scale after withholding of only one year's increment without any cumulative effect, in pursuance of the Final Order passed by the Disciplinary Authority dated 23.07.2007;

b) An order be passed directing the respondent authorities to calculate the arrear salary with all emoluments, which works out at a sum of Rs. 2,38,223/- till date and pay the same to the applicant immediately along

with interest thereon;”

Mr. Das, learned advocate submits that since the Division Bench of the High Court by order dated 22nd November, 2018 passed in R.V.W. 57 of 2015 + C.A.N. 11394 of 2016 + C.A.N. 2536 of 2015 with W.P.S.T. 189 of 2012 (Asoke Bose Vs. The State of West Bengal & Others) had clarified “*that the review petitioner by reason of the order of punishment passed against him by his disciplinary authority by the order dated 26th April, 2007, was liable to be deprived of only a year’s increment without cumulative effect, and the said order was not such that it could deprive the petitioner of his yearly increment for all times to come and the petitioner was entitled to be put back on the regular scale of pay as the period of withholding was for a year only,*” appropriate order may be passed directing the respondents particularly the Inspector General of Police (Headquarters), Government of West Bengal, –the respondent no. 6 to take steps in terms of the said order.

Submission is though by letter demanding justice dated 2nd September, 2019 was issued on behalf of the applicant, till date, no steps have been taken. Aggrieved the application has been filed.

Mr. S. N. Ray, learned advocate appearing on behalf of the State respondents submits that, if directed, the respondent no. 6 shall implement the order passed by the High Court.

Before dealing with the issue raised, it is pertinent to mention the relevant portion of the said order which is as under :

“13. This being the understanding of the order of punishment

passed by the disciplinary authority by the co-ordinate Bench and having formed the plinth of the judgment dated 22nd December, 2014, we clarify that the review petitioner by reason of the order of punishment passed against him by his disciplinary authority by the order dated 26th April, 2007, was liable to be deprived of only a year's increment without cumulative effect, and the said order was not such that it could deprive the petitioner of his yearly increment for all times to come. After a year of deprivation, the petitioner was entitled to be put back on the regular scale of pay as the period of withholding was for a year only. If indeed the disciplinary authority was so inclined, he ought to have made a clear order. The coordinate Bench having proceeded to render its decision of reversal of the tribunal's judgment on its understanding of the disciplinary authority's order, as noted above, the future actions of the employer must be in consonance with such understanding." (Emphasis supplied).

Since the issue is short, having heard the learned advocates for the parties and considering the facts and circumstances of the case, the application is disposed of by directing the Inspector General of Police (Headquarters), West Bengal, -the respondent no. 6 to implement the order passed on 22nd November, 2018 in R.V.W. 57 of 2015 + C.A.N. 11394 of 2016 + C.A.N. 2536 of 2015 with W.P.S.T. 189 of 2012 (Asoke Bose Vs. The State of West Bengal & Ors.) appearing from pages 114 to 118 of this application, particularly paragraph 13 thereof, and shall communicate the same to the applicant within 15 weeks from the date of communication of the order downloaded from the internet/website. It is made clear that the said respondent no. 6 while implementing the directions contained in the said order shall take note of the direction by the High Court that "*After a year of deprivation, the*

ORDER SHEET

Form No.

Sri Asoke Bose.

Vs.

Case No. **OA-454 of 2020.**

THE STATE OF WEST BENGAL & ORS.

petitioner was entitled to be put back on the regular scale of pay as the period of withholding was for a year only.”

(SOUMITRA PAL)
CHAIRMAN

S.M.