

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 479 of 2022

AMLAN ROY - Vs - THE STATE OF WEST BENGAL & OTHERS.

Serial No. and
Date of order

07
19.07.2023

For the Applicant	:	Mr.Sankha Ghosh Advocate
For the State Respondents	:	Mr.Soumendra Narayan Ray Advocate

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

Mr.S.Ghosh argues that the decision of the respondent authorities in not granting him promotion was bad in law due to the fact that the ACR's were not communicated to the applicant. Relying on the judgement in WPST-21 of 2023, Mr.Ghosh submits that the law is well settled that the A.C.R. of an employee has to be communicated to him and non- communication is an arbitrary and illegal Act. Mr.Ghosh, further prays for accommodation to file a copy of judgement of the Apex Court in Abhijit Ghosh Dastidar (supra) on the next date.

Responding to the above issue, Mr.S.N.Ray, learned counsel for the State respondents submits that the promotion committee did not find the applicant suitable for promotion as his ACR rating was lower than the requirement fixed by the Commission.

Mr.S.N.Ray, also refers to paragraph 7 of page 4 of the reply which states that the "question of communicating to the incumbent arises only when an adverse remark has been recorded in A.C.R. about

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the integrity of a Government employee. Moreover, there is no guiding principle before us to communicate A.C.R. to an officer. So, the claim of not communicating A.C.R. does not hold good.”

Mr.Ray, also prays for accommodation to file relevant documents by the next date.

Let the matter appear under the heading “For Orders” on 6th December, 2023.

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

BLR