

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 479 of 2022.

AMLAN ROY – VERSUS-THE STATE OF WEST BENGAL & ORS

Serial No. and
Date of order

08
06.12.2023

For the Applicant : Mr S. Ghosh,
Learned Advocate.
For the State respondents : Mr. S.N. Ray,
Learned Advocate.
For the Public Service Commission, : Mr. S. Bhattacharjee,
West Bengal Learned 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 counsel for the contesting parties, the case is taken up for consideration sitting singly.

Mr. S. Bhattacharjee submits that on the last date of hearing this matter on 19.7.2023, though he was present, but his name has not been recorded.

Let the name of Mr. S. Bhattacharjee be recorded in the order dated 19.7.2023.

During submission on behalf of the applicant, Mr. S. Ghosh draws my attention to para 2 of page 6 of the supplementary affidavit. After reading the same, it transpires that one Rabindra Nath Mondal, the then Joint Director had modified the ACRs of the applicant after acceptance of the same by the Accepting Authority. In fact, the letter at page 6 memo 3733 dated 5.8.2016 addressed by the Director of Animal Husbandry & Veterinary Services to the Secretary of the Department make such statement. The relevant part of memo is as under :-

“...Those ACRs stated above were modified after acceptance, but the same was not intimated to Counter Signing Authority...”

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“....According to seniority of Shri Amlan Roy, he should have get promotion to the post of Assistant Director. But Public Service Commission, West Bengal did not recommend his name...”.

“..... he was directed by the then Director of Animal Husbandry and Veterinary Services, West Bengal to make necessary connections/modifications in the ACRs of Shri Amlan Roy, ASL and he pleaded that he obeyed the direction of superior. He also submitted fresh ACRs.....”.

Further, the letter also mentions that in reply, Rabindra Nath Mondal has submitted that he was directed by the then Director of Animal Husbandry and Veterinary Services, West Bengal to make necessary corrections/modifications in the ACRs of Shri Amlan Roy.

From the above statement, it appears that the unauthorised modifications of the ACRs were placed before the Commission and due to adverse grading, the promotion of the applicant was not recommended.

The same letter of Rabindra Nath Mondal also states that he has furnished “Revised ACRs” of the above stated period in favour of Shri Amlan Roy for review by the Reviewing Authority.

In view of the above new facts placed before this Tribunal, the respondent no. 2 – The Additional Chief Secretary. Department of Animal Resource Development is directed to initiate suitable disciplinary action against the insubordinate Officers, who had the audacity to modify the ACRs of the applicant after acceptance by the Accepting Authority.

Further, the respondent no. 2 is also directed to examine and process the revised ACRs submitted by the Reporting Officer – Rabindra Nath Mondal pertaining to the period from 2010 to 2013.

Let the respondent authorities file a status report on the action taken as directed above by the next date.

Let the matter appear under the heading “Hearing” on 22.5.2024.

Skg.

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

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