

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

Hon'ble Justice Soumitra Pal, Hon'ble Chairman.

Case No. – OA 481 of 2020.

ABHIJIT ACHARYA BHADURI - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	: Mr. M.N. Roy, Advocate.
<u>2</u> 08.02.2021	For the State Respondent	: Mr. G.P. Banerjee, 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.

In this application, Abhijit Acharya Bhaduri, the applicant has, inter alia, prayed for a direction upon the respondents to grant due promotion with all other consequential benefits including seniority from the date of scheduled promotion with interest.

It is submitted by Mr. M.N. Roy, learned advocate for the applicant, that though disciplinary proceedings against the applicant was initiated by filing charge sheet on 15th March, 2011 and as the applicant has given reply to the second show cause notice and as till date proceedings are continuing and as promotion is due to him, in view of the memorandum dated June 12, 1980 issued by the Department of Personnel and Administrative Reforms, particularly the stipulation contained in paragraph 2(ii) thereof, the applicant is entitled to promotion on provisional basis. Since it is not the case of the respondent that the applicant has resorted to dilatory tactics in the disciplinary proceedings, appropriate order be passed.

Mr. G.P. Banerjee, learned advocate appearing on behalf of the state respondents, submits that the question is whether the applicant is eligible for promotion and whether other persons similarly situated have been promoted or not. If other persons, similarly situated have been

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promoted, the case of the applicant will be considered for promotion on provisional basis.

In view of the submission made on behalf of the parties and considering the facts and circumstances of the case, the application is disposed of by directing the Principal Secretary , Department of Finance (Revenue) , Government of West Bengal – the respondent no. 1, to consider the case of promoting the applicant on provisional basis due to the pendency of the departmental proceedings in the light of memorandum dated June 12, 1980, particularly the stipulations contained in paragraph 2(ii) thereof, by passing a reasoned order to be communicated to the parties within a period of eight weeks from the date of presentation of a copy of this order downloaded from the internet/website, after considering the relevant records and after considering whether others similarly situated have been promoted or not, in accordance with law.

Since for circumstances beyond control, the Registry is unable to furnish plain copies of this order to the learned advocates for the parties, the Registry is directed to upload this order on the website of the Tribunal forthwith and parties are directed to act on the copies of the order downloaded from the website.

(SOUMITRA PAL)
CHAIRMAN

Skg.

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