

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

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

Case No. – OA 5 of 2021.

MONOJIT BAGISH- VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	: Mr. S.K. Nandi, Advocate.
<u>2</u> 08.02.2021	For the State Respondent	: Mr. G.P. Banerjee, Mr. B.P. Roy, Advocates.

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.

Affidavit of service filed be kept on record.

In this application, Monojit Bagish, 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. S.K. Nandi, learned advocate for the applicant that though disciplinary proceedings against the applicant was initiated by filing charge sheet on 2nd March, 2017 and as till date such proceedings are continuing and as the applicant has given reply to the second show cause notice and as the 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, and in view of the order of the Hon'ble High Court, Calcutta dated 18th September, 2018 (Supriya Mondal – versus- The State of West Bengal & Ors) passed in W.P.S.T. No. 113 of 2018, appearing at page 138 of the original application, the

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applicant is entitled to promotion on provisional basis. Since it is not the case of the respondents that the applicant has resorted to dilatory tactics in the disciplinary proceedings, appropriate order be passed.

Mr. G.P. Banerjee, learned advocate along with Mr. B.P. Roy, 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 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, this application is dispose of by directing the Deputy Inspector General of Police (Headquarter) , West Bengal, – the respondent no. 7, 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, and in view of the order of the Hon'ble High Court, Calcutta dated 18th September, 2018 passed in W.P.S.T. No. 113 of 2018, 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

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relevant records and after considering whether others similarly situated have been promoted or not, in accordance with law. The application is disposed of.

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.