

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

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

Hon'ble Sayeed Ahmed Baba, Administrative Member.

Case No. – OA 515 of 2018.

DIBYA JYOTI DAS - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	: Mr. S. Bhattacharjee, Advocate.
	For the State Respondent	: Mr. G.P. Banerjee, Advocate.
<u>15</u> 27.09.2021		

In this application, Dibya Jyoti Das, the applicant has, inter alia prayed for a direction upon the respondents “to grant promotion to the post of Assistant Program Officer with effect from the date when his juniors were given promotion i.e. 29.11.2017 by maintaining the seniority position of the applicant and to give all the service benefits attached therewith.....”

It is submitted by Mr. S. Bhattacharjee, learned advocate for the applicant that though disciplinary proceedings against the applicant were initiated by filing charge sheet on 21st February, 2006 and the applicant submitted his reply on 31st March, 2006, as till date proceedings are continuing, as the promotion is due to him, in view of the memorandum dated June 12, 1980 issued by the Department of Panchayat and Rural Development, 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, the 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

ORDER SHEET

Form No.

DIBYA JYOTI DAS

-Vs-

Case No. **OA 515 of 2018.**

THE STATE OF WEST BENGAL & ORS.

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, the application is disposed of by directing the Joint Secretary, Panchayat and Rural Development Department, Government of West Bengal, the respondent no. 2, 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 fifteen weeks from the date of presentation of a copy of this order downloaded from the website of the Tribunal, after considering the relevant records and after considering whether others similarly situated have been promoted or not, in accordance with law.

(SAYEED AHMED BABA)
MEMBER (A)

(SOUMITRA PAL)
CHAIRMAN

Rajib