

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 548 of 2024.

SRI DWIJU GHOSH - VERSUS- THE STATE OF WEST BENGAL & ORS.

Serial No. and  
Date of order

01  
20.11.2024

For the Applicant : Mr. S. Chatterjee,  
Advocate.

For the State Respondents : Mr. G. Halder,  
Mr. M.N. Roy,  
Advocates.

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 23<sup>rd</sup> November, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

Affidavit of service filed today be kept on record.

The primary prayer of the applicant in this application is for a direction to the Respondent authority to delete the 'censure' recorded in his service book by the respondent no. 4 on 20.9.2017. By Memo No. 4387 dated 11.10.2017, this applicant was directed to reply why he, being a constable and a member of a disciplined force addressed a representation to the Commissioner of Police directly praying for notional benefit in service. In his reply to the Joint Commissioner of Police dated 14.10.2017, the applicant expresses his ignorance of the process and assures not to repeat such mistakes in future. The Respondent after considering his reply passed an order dated 02.11.2017 recording a 'censure' in his service book under Rule 21 of West Bengal Government Servants' Conduct Rules, 1959. The Rule 21 is as under :-

*"21. Submission of petitions. - No Government employee shall submit any petition direct to Government or to any higher authority otherwise than through his immediate departmental superior and no Government employee shall send copies of such petitions to outside authorities that is to say, authorities who are not directly connected with the consideration thereof ( e.g. Ministers of other departments, Members of Legislature)...."*

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Appearing on behalf of the applicant, Mr. S. Chatterjee, learned counsel submits that because of 'censure' recorded in his service book, the future promotional avenues of the applicant will get restricted. Mr. Chatterjee also feels that such order is bad in law.

Responding on behalf of the State respondents, Mr. G. Halder, learned counsel, however, disagrees and submits that such an order was not arbitrary, rather it was in compliance to existing Rules which require the applicant to be first Show Caused. The Show Cause was issued to the applicant, which was replied and after consideration of the reply and as per Rule 21 of West Bengal Government Servants' Conduct Rules, 1959, this 'censure' as a caution was recorded in his service book. Mr. Halder also submits that Mr. Chatterjee's argument that such 'censure' may restrict the promotion chances of the applicant has no basis because this matter is related to only 'censure'.

Having heard the submissions of the learned counsels, this Tribunal does not find any merit in the prayers of this application. The Tribunal has also become aware that this application is barred by limitation for challenging an order passed on 02.11.2017 is being assailed before this Tribunal after seven years.

With this observation, this application is disposed of without passing any order.

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

SkG/SM.