

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

**HON'BLE JUSTICE SOUMITRA PAL,
HON'BLE SAYEED AHMED BABA,**

**HON'BLE CHAIRMAN &
ADMINISTRATIVE MEMBER.**

Case No. – OA 565 of 2015.

TAPAN KUMAR DASGUPTA–VERSUS–THE STATE OF WEST BENGAL & ORS.

Serial No. and
Date of order

For the Applicant : Mr. A. Das Sinha,
Advocate.

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3.12.2021.

For the State Respondents : Mr. G.P. Banerjee,
Mr. B.P. Roy,
Advocates.

In this application Tapan Kumar Dasgupta, the applicant has prayed for certain reliefs, the relevant portion of which is as under :-

“.....(a) A direction upon the respondents to promote the applicant as Additional Divisional Forest Officer with all consequential service benefits with effect from the year 2002 and also to consider the case of your applicant for further promotion in accordance with the seniority as Divisional Forest Officer and to refix the pay of the applicant accordingly and also to pay the applicant all arrears of salaries and allowances and also to revise the pensionary benefits...”.

It appears that while the applicant was working as a Range Officer at Sajnekhali Wildlife Range, Sundarban Tiger Reserve, disciplinary proceeding was initiated on 20th May, 1999 under the provision of Rule 10 of West Bengal Services Classification Control and Appeal) Rules, 1971 which ultimately ended with a punishment in the nature of censure. It appears that against the order of censure, the applicant filed an appeal before the appellate authority, which was disposed of on 7th April, 2015 holding that there was no scope to consider the appeal of the applicant for quashing and setting aside the

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impugned order given by the Disciplinary authority in the departmental proceeding. Be it noted that the applicant superannuated on 30th April, 2013.

It is submitted by Mr. A. Das Sinha , learned advocate for the applicant that though the applicant during his service tenure filed representations appearing at pages 15 and 17 of the original application for considering his case for promotion, it was not done. As order of censure is valid for one year and the said period lapsed before the applicant superannuated, direction be issued upon the respondents to consider the case of promotion.

Mr. G.P. Banerjee, learned advocate appearing on behalf of the State respondents submits that since the applicant was not promoted during his service tenure, no order may be passed. However, if directed, the respondent authorities will consider the case of the applicant for promotion in accordance with law.

There is no dispute that a minor punishment was imposed on the applicant by the authorities on 22nd December, 2011. The applicant preferred appeal. The appellate authority by order dated 7th April, 2015 held there was no scope to consider the appeal of the applicant. In the meantime the applicant superannuated on 30th April, 2013. There is no dispute that the order of censure is valid for one year which came to an end on 21st December, 2012, which was before the date of superannuation, that is 30th April, 2013. Hence, as the order of censure is valid for one year and as the applicant had filed representations for considering his case for promotion, in view of the said fact the application is disposed of by granting liberty to the applicant to file

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representation afresh ventilating his grievances before the appellate authority that is the Principal Secretary, Department of Forest, Arannya Bhavan, - respondent no. 1, along with a copy of this order downloaded from the website of the Tribunal to be filed within eight weeks and the said respondent no. 1 shall dispose of the same by passing a reasoned order to be communicated to the parties within eight weeks after giving an opportunity of hearing and after verifying the records.

(SAYEED AHMED BABA)
MEMBER (A).

(SOUMITRA PAL)
CHAIRMAN.

Skg.