

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

The Hon'ble Mr. Sayeed Ahmed Baba, Member (Admn.)

Case No. –OA 670 of 2021

NIRANJAN ROY - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. For the Applicant : Mr. M.N. Roy,
and Advocate.
Date of order For the State Respondent : Mr. G.P. Banerjee,
02 Advocate.
08.10.2021

Affidavit of service filed be kept on record.

In the application, Niranjana Roy, a constable, the applicant, has prayed for several reliefs, the relevant portion of which is as under :

“(a) An order do issue directing the respondent authorities to forthwith grant promotion to your applicant to the post of Assistant Sub-Inspector of Police (Unarmed Branch) in light of Judgment dated 04.02.2015 passed in WPST No. 154 of 2014 on and from the date when similar placed constables were given such promotion within a stipulated period of time.

(b) An order do issue directing the respondent authorities to grant promotion on provisional basis to your applicant to the post of Assistant Sub-Inspector of Police (Unarmed Branch) on and from the date when similar placed constables were given such promotion and after allowing promotion fix the seniority of the applicant in the cadre of Assistant Sub-Inspector of Police (Unarmed Branch) within a stipulated time period.

(c) An order do issue directing the respondent authorities to forthwith grant provisional promotion to your applicant to the post of Assistant Sub-Inspector of Police (Unarmed Branch) with all consequential benefits arising thereto.”

It appears that a criminal case was registered against the applicant vide Raiganj Women Police Station FIR no. 46/2018 dated 26th June, 2018 under sections 498A and 307 of Indian Penal Code read with sections 3 and 4 of the Dowry Prohibition Act which is still pending. In the said case the applicant was enlarged on bail by order passed by the learned Sessions Judge on 19th July, 2008 in Criminal Misc. Case No. 1279/2018 which was confirmed by the Chief

Form No.

Case No. **OA 670 of 2021**

Vs.

THE STATE OF WEST BENGAL & ORS.

Judicial Magistrate-in-Charge, Uttar Dinajpur. It appears that the applicant had moved a criminal revisional application being CRR No. 2851/2018 before the Hon'ble High Court at Calcutta praying for quashing of the criminal proceedings which is pending. In the said proceedings, there is no interim order of stay. The grievance of the applicant is though criminal proceedings are pending for more than three years and though the applicant has been selected for promotion to the rank of Assistant Sub-Inspector of Police (Unarmed Branch), however, he has been denied promotion on the ground of pendency of criminal proceedings. Though representation dated 31st August, 2021, being Annexure-B to the application, has been furnished before the authorities it has not been considered.

Mr. M.N. Roy, learned advocate appearing on behalf of the applicant referring to the order for promotion appearing from pages 19 to 23 of the application submits that though three constables similarly situated have been considered for promotion on adhoc basis, the case of the applicant has not been considered. Aggrieved, the application has been filed. Mr. Roy has relied on a judgement dated 4th February, 2015 passed in WPST 154 of 2014 Debajyoti Saha vs. State of West Bengal and Others in support of his submission.

Mr. G.P. Banerjee, learned advocate appearing on behalf of the State respondents submits that the case of the applicant is being considered.

Having heard the learned advocates for the parties, since it appears that the applicant was declared fit for promotion to the rank of Assistant Sub-Inspector of Police (Unarmed Branch) by the Range Board to the Control for Examination and Promotion, considering such fact, the application is disposed of by directing the Deputy Inspector General of Police (Headquarters), West Bengal, the respondent no. 3 to consider the case of the applicant for promotion to the post of Assistant Sub-Inspector of Police (Unarmed Branch) by passing a reasoned order within fifteen weeks from the date of presentation of copy of this order downloaded from the website of the Tribunal after verifying the records

ORDER SHEET

NIRANJAN ROY

Form No.

Case No. **OA 670 of 2021**

Vs.

THE STATE OF WEST BENGAL & ORS.

and documents and after considering the judgment passed in Debajyoti Saha (Supra) and the Circular No. 224 P&AR (Vig.) dated, Calcutta, the 12th June, 1980.

(SAYEED AHMED BABA)
Member (A)

(SOUMITRA PAL)
CHAIRMAN

CSM/SS