

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

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

Case No. – OA 710 of 2019.

MRS. ANIMA SINHA- VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	: Mr. P. Kumar, Advocate.
<u>7</u> 13.01.2021	For the State Respondent	: Mr. G.P. Banerjee, Advocate.

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.

Mr. P.Kumar, learned advocate for the applicant submits that the matter may be taken up by the single Bench as the applicant is going to superannuate on 31st January, 2021, to which Mr. G.P. Banerjee, learned advocate for the State respondents in his usual fairness does not object.

In this application, Anima Sinha, the applicant has prayed for several reliefs, the relevant portion of which is as under :-

a) “An order directing the respondent authorities and/or their men and agents, subordinates and successors to grant the due promotion with all other consequential benefits including seniority since the date of such scheduled promotion with interest... ”.

It is submitted by Mr. Kumar that as the applicant is entitled to promotion and is also entitled to the benefits, including seniority, and as representation to that effect was submitted on 11th April, 2019 before

ORDER SHEET

Form No.

MRS. ANIMA SINHA.

Case No. **OA 710 of 2019.**

Vs.
THE STATE OF WEST BENGAL & ORS.

the Inspector General of Registration & Commissioner of Stamp Revenue, West Bengal- the respondent no. 3, appropriate direction may be issued upon the said respondent for consideration of the same after giving an opportunity of hearing, after considering the order dated 31st January, 2019 passed in OA 157 of 2018 (Dipankar Mahato-vs- The State of West Bengal & Ors) annexed to the application.

Mr. Banerjee submits that since departmental proceedings are pending against the applicant, the representation filed on 11th April, 2019 could not be considered.

Mr. Kumar in reply submits that the pendency of the departmental proceeding does not preclude the respondents from considering the case of promotion of the applicant in view of the memorandum dated 12th June, 1980, being annexure "E" to the application.

Having heard the learned advocates for the parties and considering the facts and circumstances of the case and as prayed for on behalf of the applicant, the application is disposed of by directing the Inspector General of Registration & Commissioner of Stamp Revenue, West Bengal- the respondent no. 3, to dispose of the representation dated 11th April, 2019, appearing at page 66 of this application, by passing a reasoned order to be communicated to the parties within eight weeks from the date of presentation of a copy of this order downloaded from the internet/website, after giving an opportunity of hearing and after

ORDER SHEET

Form No.

MRS. ANIMA SINHA.

Case No. **OA 710 of 2019.**

Vs.
THE STATE OF WEST BENGAL & ORS.

considering the memorandum dated 12th June, 1980, the order dated 31st January, 2019 passed in OA 157 of 2018 and also after considering whether other similarly situated employees have been promoted or not.

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.