

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson & Member (A)

Case No. – OA 743 of 2019

Tapash Bandyopadhyay -- VERSUS – The State of West Bengal & Ors.

Serial No. and Date of order	For the Applicant	: Mr. S.K. Mitra, Ld. Advocate.
	For the Finance Deptt.	: Mr. G.P. Banerjee, Ld. Advocate.
<u>15</u> 18.05.2023	For the Respondent Nos. 4 and 5	: Mrs. S. Bandyopadhyay, Ld. Advocate.

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

On consent of the learned counsels for the contesting parties, the case is taken up for consideration sitting singly.

The prayer in this application is for upgradation of pay from scale No. 15 to 16. It appears that the prayer for this applicant was not considered by the respondent on the ground that the Self Appraisal Report in question was wanting on the date of consideration. The relevant portion of the reasoned order communicated to the applicant is as under :

“In inviting a reference to the above noted subject, the undersigned is directed to state that since the Self Appraisal Report in question, was wanting on 31st May, 2019 (A/N) i.e. the date of superannuation on completion of 60 years, the award of promotional benefit as claimed by him was not considered.”

Submission of Mr. Mitra is that the fault of not producing such Appraisal Report on time before the concerned authority does not lie with the applicant.

As it is evident from the communication of Mr. S.K. Ram, Special Secretary to the Government of West Bengal addressed to the applicant dated 24.09.2019 on the date of consideration of his promotion, the relevant Self Appraisal Reports were not available. Contrary to what the reason given in this communication, Mr. S.K. Mitra refers to a correspondence made by the Deputy Conservator of Forests on 06.05.2019 addressed to S. Biswas, OSD & E.O. Deputy Secretary in which it is stated that the Self Appraisal Report of

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the applicant is being submitted along with other relevant documents which appears to have been received by the Finance (Audit) Department on 07.05.2019. It also appears from a letter of Sukumar Sarkar, advocate of the applicant in his letter to the S.K. Ram, Special Secreary, Finance Department that although the applicant had written his part of the appraisal but the concerned Reporting Officer in the Education Department did not complete his duty in writing the part as Reporting Officer for the period 2017-2018.

Mrs. S. Bandyopadhyay, learned advocate for the respondent nos. 4 and 5 submits that although the ACRs pertaining to 2017-2018 and 2018-2019 has been submitted but the Self Appraisal Report pertaining to the month of April and May, 2019 was not submitted by the employee.

After hearing the submissions of the learned counsels, the Tribunal is of the view that at the time of consideration of his promotional benefit for the scale no. 15 to 16, such Report was submitted as appears from E-150/2019 dated 06.05.2019 submitted by the Deputy Conservator of Forests, which appears to have been received by the Finance Department on 07.05.2019. So far submission of Mrs. Bandyopadhyay regarding non-filing of SAR for the months of April and May, 2019, to the knowledge of this Tribunal, no Self Appraisal Report is required to be filled up and submitted for the period which are less than three months.

In view of the above observations, the Tribunal directs the Respondent No. 2, Special Secretary, Department of Finance (Audit) to reconsider his prayer for promotional benefit from scale no. 15 to 16 in the light of the above observations of the Tribunal and consider and dispose of the same according to relevant rules and entitlement of the applicant.

Accordingly, the application is **disposed of.**

CSM/SS

SAYEED AHMED BABA
Officiating Chairperson & Member (A)