

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman.

Case No. –OA-756 of 2021

Swajan Shome. - Versus - The State of West Bengal & Others.

Serial No. and Date of order	For the Applicant	: Mr. A. K. Niyogi, Advocate.
<u>05</u> 26.07.2022.	For the State Respondents	: Mr. G. P. Banerjee, Advocate.

The matter is taken up by the single Bench pursuant to the order contained in the Notification No. 118-WBAT/1E-08/2003 (Pt.-II) dated 11th February, 2022 issued in exercise of the powers conferred under section 6 (5) of the Administrative Tribunals Act, 1985.

As prayed for by Mr. A. K. Niyogi, learned advocate for the applicant, leave granted to add Additional Chief Secretary, Home and Hill Affairs Department, Government of West Bengal, as a party respondent by amending the cause title of the application.

In the application, Swajan Shome – the applicant, Inspector of Police, District Enforcement Branch, Purba Medinipur, has prayed certain reliefs, the relevant portion of which is as under :-

“i) That to declare the non consideration of promotion of the petitioner to the rank of Deputy Superintendent of Police under Notification No. 1359-PS Cell/HR/038-50/14 dated 24.8.2021 not as per law, not following PRB rule 735 and Appendix XLII and Notification No. 7119/F/FIS-25/72 dated 1.12.1972 and consider the candidature of the Applicant for promotion by convening conference of Inspector General Police with Deputy Inspector General of Police and the Superintendent of Police Purba Medinipur be directed to initiate proposal through the Deputy Inspector General of Police for consideration under Appendix-XIII within a period of 6 weeks.

ii) That to declare of punishment has no effectivity as regard

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promotional avenue and the service period of the applicant.

iii) That to declare that the order of punishment has no effectivity as regards promotional avenue and the service carrier of applicant.

iv) to declare the applicant is eligible to get promotion from the date his juniors get promotion and give the effect of promotion retrospectively.”

Heard Mr. Niyogi and Mr. G. P. Banerjee, learned advocate for the State respondents.

It appears that certain proceedings were pending against the applicant as evident from paragraph 8 of the reply filed by the respondents. Paragraph 8 is as under :-

“8. With reference to the statements made in paragraph numbers 6.(4) & (5) of the said application, the state respondents deny and dispute everything, save and except what are matters of record. Furthermore, the state respondents state that in connection with the Purba Bardhaman District Proceeding No. 09 of 2017 dated 17.4.2017 drawn up against the applicant, final order was passed on 10.10.2018 by the disciplinary authority awarding punishment by withholding two annual increments without future effect. As per rule annual increment is calculated from the month of July. As such the currency period of punishment in connection with Purba Bardhaman District Proceeding No. 09 of 2017 was from 01.7.2019 to 30.6.2021. In connection with Purba Medinipur District Proceeding No. 06 of 2018 on 3.3.2021 appellate order was passed on 3.3.2021 setting aside the final order and with further order that a penalty of withholding one increment for one

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year without cumulative effect shall be imposed upon the delinquent officer. Accordingly, after completion of currency period of punishment in connection with Purba Bardhaman District Proceeding No. 09 of 2017 i.e. from 01.7.2019 to 30.6.2021, the currency period of punishment in connection with Purba Medinipur District Proceeding No. 06 of 2018 stated with effect from 07.7.2021 which will continue till 30.6.2022. Therefore, the contentions of the applicant for not granting promotion have not merit.”

Since admittedly the currency period of punishment of the applicant has expired on 30th June, 2022, considering the facts and circumstances of the case, the application is disposed of by directing the Additional Chief Secretary, Home and Hill Affairs Department, Government of West Bengal – the respondent no. 1(a) to consider the case of the applicant for promoting him to the rank of Deputy Superintendent of Police within eight weeks from the date on which vacancy for such post occurs.

(SOUMITRA PAL)
CHAIRMAN

S.M.