

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

Case No. –OA 920 of 2019

MD ISRAIL - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order For the Applicant : Mr.M.N.Roy
Advocate

06
15.02.2021 For the State respondent : Mr.A.Datta
Mr.A.De
(Departmental Representative)

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.

In this application, Md.Israil, the Revenue Officer who had superannuated has prayed for several reliefs, the relevant portion of which is as under:

a) An order do issue thereby directing the respondent authorities to allow your applicant to receive the benefit of promotion to the post of “Special Revenue Officer, Grade-II” from the post of “Revenue Officer” on and from the date when the respondent no. 6 (being the junior officer in the gradation list, placing at serial no. 516) was given such promotion.

b)An order do issue directing the concerned respondent authorities to forthwith issue promotional order to your applicant to the post of Special Revenue Officer, Grade-II with retrospective effect, from the date on which the respondent no 6 was given the promotion of Special Revenue Officer, Grade-II.

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c)An order do issue directing the concerned respondent authorities to forthwith to issue Promotional order to your applicant to the post of Special Revenue Officer, Grade-II and to pay the arrear amount including arrear pay, arrear pension and other retirement benefits arising out of such promotion with retrospective effect to your applicant, along with an interest thereto @ 18% p.a.

It appears the applicant while discharging his duties in the capacity of Revenue Officer attached to Block Land and Land Reforms Officer, Bansihari, Dakshin Dinajpur was chargesheeted on two counts vide memo. dated 25th November, 2011. He submitted a written statement of defense on 20th January, 2012. Thereafter the authorities had passed a final order inflicting penalty of 25% of deduction of pension for one year under Rule 10(1) (a) of West Bengal Services (Death-cum-Retirement Benefit) Rules 1971.

Against the said order of punishment the applicant moved the West Bengal Administrative Tribunal by filing an application, being OA-387 of 2015, which ended in passing a judgement on 3rd February, 2016 quashing the entire departmental proceedings.

Aggrieved, the State respondents preferred a writ petition before the High Court at Calcutta, being WPST 35 of 2017, which was dismissed on 9th August, 2017.

The applicant had superannuated on 31st March, 2013 during the

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pendency of the departmental proceedings.

According to the applicant since he was entitled to be promoted to the post of Special Revenue Officer Grade (II) and though a representation dated 25th August, 2018 was filed, which has not been considered, appropriate order may be passed directing him to grant promotion notionally with effect from the date on which his immediate junior was promoted, that is 24th April, 2012.

Mr.M.N.Roy, learned advocate appearing on behalf of the applicant submits that since the applicant succeeded in having the departmental proceedings quashed and as he was entitled to be promoted to the post of Special Revenue Officer Grade (II) appropriate order may be passed giving him the benefit of promotion from 24th April, 2012.

Mr.A.De, the departmental representative relying upon the reply filed submits that the applicant is not entitled to get actual financial benefit for promotion to the post of Special Revenue Officer Grade (II) on and from 24th April, 2012 as he did not serve at all in his promotional post of Special Revenue Officer (ii).

Heard learned advocates for the parties. Since, admittedly, the applicant had succeeded in the departmental proceedings and superannuated on 31st March, 2013 that is during the pendency of the departmental proceedings, and as the land and Land Reforms and Refugee, Relief and Rehabilitation Department in their affidavit in reply have not disputed these facts, considering the facts and circumstances of the case the application is allowed by directing the Principal Secretary, Land and Land Reforms Commissioner, Land and Land Reforms and Refugee, Relief and Rehabilitation Department, the respondent no. 2, to grant

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promotion and promotional benefits notionally to the applicant from 24th April, 2012 in the post of Special Revenue Officer Grade II and shall place him notionally above the private respondent no. 6 with effect from 24th April, 2012 and shall grant him all consequential benefits and also actual benefits from the date of retirement, that is 31st March, 2013 within 15 weeks from the date of presentation of a copy of the order downloaded from the Internet/ website.

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