

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Mrs. Urmita Datta (Sen), Member(J)

Case No. – OA-111 of 2021

Serial No. and Date of order	Sudhansu Sekhar Mukherjee For the Applicant	: Mr. Bibek Chatterjee, Learned Advocate.
<u>03</u> 22.03.2022	For the State Respondents	: Mr. G.P. Banerjee, Mr. S.B. Mondal, Learned Advocates.

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.

On consent of the learned counsel for the petitioner, matter has been taken up for hearing.

The counsel for the applicant has prayed for leave to add Principal A.G.W.B. as a party respondent as respondent no. 8. Prayer is allowed.

The instant application has been filed praying for following relief :-

- A) An order directing the respondents, their agents, subordinates and successors to re-fix the notional benefits as directed and to disburse all the retiral benefits along with interest @ 18% per annum from the date of arrear accrued till the actual payment to the applicant, forthwith;
- B) An order directing the respondents, their agents, subordinates and successors to produce all records and proceedings so that conscionable justice may be administered by granting the relief for hereinabove;
- C) To pass such other or further orders or orders as to the Hon'ble Tribunal may deem fit and proper.

As per the applicant, he had approached earlier in two occasions i.e. in OA-689 OF 2007, which was disposed of vide order dated 13.08.2007

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directing the concerned authority to make active consideration with regard to grant of promotion in favour of the applicant in the rank of Inspector of Police (U.B) from such date when the promotion was actually due and to give notional benefit accrued to such promotion with retrospective effect. In pursuance to that order, the Director General & Inspector General of Police, West Bengal had passed order dated 07.05.2008. Again the applicant had approached this Tribunal in OA-609 of 2011 which was disposed of 13.03.2012 (Annexure-H) with a direction to the S.P. South 24 Pgs to dispose of the representation of the applicant and it is further observed if the applicant is entitled to get any benefit, the authority was directed to send the relevant papers to the office of the A.G.W.B. after necessary concurrence from the Finance Department and the office of the A.G.W.B. was directed to take proper steps within a stipulated period of time. However, according to the applicant, till date no steps has been taken, though, vide letter dated 15.01.2020, S.P., Baruipur Police District had observed that due to non availability of service book of the petitioner, they could not take any final decision. However, vide Memo dated 53-Pen..... dated 16.01.2020, Additional Director General (Law & Order) and holding Additional charge of Inspector General of Police (Headquarter), W.B. informed the Addl. D.G. of Police (Admn) and SPIO, W.B.P.Dte. had communicated that the S.P. South 24 Pgs. Baruipur is the custodian of all the records. Thereafter the applicant has also submitted copy of the duplicate service book to the office of S.P. – Baruipur, South 24 Pgs. However, till date he has not received any benefit so far as the earlier directions of this Tribunal

The counsel for the respondent has submitted that due to non availability of the service book, they could not take steps for compliance of the earlier orders. However, as per the instruction, he has submitted now the original service book is available and they want some more time to take necessary action as per rules.

Heard both the parties and perused the records. It is noted that the

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applicant had come earlier in two occasions asking for grant of benefit of promotion with retrospective effect and fixation of pay and pensionary benefits accordingly. However, as per the respondents, due to the non availability of the service book, they could not take any steps in this regard. Therefore, on instruction, the counsel for the respondent has further submitted that they have sent all the documents including original service book to the office of the Addl. Chief Secretary, Home & Hill Affairs Deptt. to take appropriate decision and action in this regard.

It is noted that the applicant had retired in the year 2007 and approached this Tribunal for three times for getting the retiral benefits.

In view of the above, Additional Chief Secretary, Home & Hill Affairs Deptt. is directed to take final decision as per direction of this Tribunal dated 13.08.2007 & 13.03.2012 for promotional benefit with notional effect and arrear payment and take final decision and communicate the same by way of reasoned and speaking order with follow up action and make payment if any within a period of three months from the date of receipt of the order. Accordingly, OA is disposed of with no order as to costs. The applicant is also directed to cooperate with the respondents in this regard.

Since the 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.

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URMITA DATTA (SEN)
MEMBER (J)