

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman.

& The Hon'ble Sayeed Ahmed Baba, Administrative Member.

Case No. –OA-547 Of 2021.

Arup Ghosh. - VERSUS – The State of West Bengal and Others.

Serial No. and
Date of order

For the Applicant

: Mr. M. N. Roy,
Mr. G. Haldar,
Advocates.

4

27.09.2021.

For the State Respondents

: Mr. G. P. Banerjee,
Advocate.

Let affidavit of service affirmed on 27th September, 2021 filed be kept on record.

In this application, Arup Ghosh, the applicant, has inter alia prayed for direction upon the respondents to grant due promotion to the post of Sub-Inspector of Police (Armed Branch) from the date of scheduled promotion. It is submitted by Mr. M. N. Roy, learned advocate for the applicant though criminal case was filed against the applicant on 17th April, 2017, being Bagnan Police Station Case No. 483 of 2017 dated 7th September, 2017 under the Prevention of Corruption Act, 1988 and departmental proceedings were initiated with the filing of charge memo dated 17th April, 2017 and as the applicant has participated – in the criminal as well as in the departmental proceedings which are yet to be concluded and as promotion is due to him, in view of the memorandum dated 12th June, 1980 issued by the Department of Personnel and Administrative Reforms, particularly the stipulation contained in 2(ii) thereof, and in view of the order of the Hon'ble High Court, Calcutta dated 4th February, 2015 in W.P.S.T. 154 of 2014 : Debajyoti Saha-Vs-State of West Bengal and Others and the order passed on 18th September, 2018 : Supriya Mondal-versus-The State of West Bengal and Others passed in W.P.S.T. No. 113 of 2018, copies of

which are enclosed to the application, the applicant is entitled to the promotion on provisional basis. Since the applicant has not resorted to dilatory tactics in the criminal proceedings as well as in the departmental proceedings, appropriate order may be passed.

Mr. G. P. Banerjee, learned advocate appearing on behalf of the State respondents submits that the question is whether the applicant is eligible for promotion and whether other persons similarly situated have been promoted or not. If other persons, similarly situated have been promoted, the case of the applicant will be considered for promotion on provisional basis.

In view of the submission made on behalf of the parties and considering the facts and circumstances of the case, the application is disposed of by directing the Deputy Inspector General of Police, Presidency Range – the respondent no. 4 to forward the matter to the Deputy Inspector General of Police (Headquarters), West Bengal Police – the respondent no. 3 within four weeks from the date of presentation of a copy of this order downloaded from the website of the Tribunal. Thereafter, the Deputy Inspector General of Police (Headquarters), West Bengal Police - the respondent no. 3, shall consider the case of promoting the applicant on provisional basis due to pendency of the criminal proceedings and the departmental proceedings in the light of the memorandum dated 12th June, 1980, particularly the stipulation contained in 2(ii) thereof, and in view of the order of the Hon'ble High Court, Calcutta dated 4th February, 2015 in W.P.S.T. 154 of 2014 and the order passed on 18th September, 2018 passed in W.P.S.T. No. 113 of 2018, by passing a reasoned order to be communicated to the parties

ORDER SHEET

Form No.

Arup Ghosh.

Case No. **OA-547 Of 2021.**

Vs.

The State of West Bengal and Others.

within fifteen weeks after considering the relevant records and after considering whether others similarly situated persons have been promoted in accordance with law.

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.

(SAYEED AHMED BABA)
MEMBER (A)

(SOUMITRA PAL)
CHAIRMAN

S.M.