

**ORDER SHEET**

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Present-**

The Hon'ble JUSTICE RANJIT KUMAR BAG  
& The Hon'ble DR. SUBESH KUMAR DAS

Case No – CCP 229 OF 2016

**PRANANATH DAS BISWAS + 35 OTHERS Vs Shri Sanjib Chopra, I.A.S, Additional Chief Secretary, Agriculture Department, Government of West Bengal & Another.**

Serial No. and Date of order. 1	Order of the Tribunal with signature 2	Office action with date and dated signature of parties when necessary 3
<p style="text-align: center;"><u>08</u> 08.06.2018</p>	<p><i>For the Applicants : Mr. Uttam Majumder, Mr. G.P. Banerjee, Learned Advocates.</i></p> <p><i>For the Contemnor/ Opposite Party : Mr. S. Ghosh, Learned Advocate.</i></p> <p style="text-align: center;"><i>Compliance report filed on behalf of the contemnor today is kept on record.</i></p> <p style="text-align: center;"><i>The contempt application was filed on the allegation of wilful violation of order dated February 10, 2016 passed by the Tribunal in connection with OA-481 of 2015. It is relevant to quote paragraph 2 of the said order dated February 10, 2016 passed by the Tribunal :</i></p> <p style="text-align: center;"><b>“In view of the aforesaid position, we feel that the application be disposed of with a direction on Principal Secretary to the Government of West Bengal, Department of Agriculture to take a decision on the basis of the aforesaid Memo. (No.1182 dated September 23, 2015 issued by the Directorate of Agriculture, West Bengal) and issue necessary Govt. Order within a period of eight weeks from the date of communication of this order.”</b></p>	

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*Accordingly, the Principal Secretary to the Government of West Bengal, Department of Agriculture was directed to take a decision on the basis of the aforesaid Memo. by issuing necessary Government Order. The contemnor being Additional Chief Secretary to the Government of West Bengal, Department of Agriculture, has passed an order dated February 23, 2018 wherefrom it appears that the contemnor is unable to provide one time promotional benefit to the applicants in terms of Memo. No. 1182 dated March 29, 2015 without concurrence of the Finance Department, Government of West Bengal. On perusal of the said order passed by the contemnor, we find that the contemnor moved the file to the Finance Department for obtaining concurrence of the said department for the purpose of compliance with the direction given by the Tribunal. By referring to one previous case of "Swapan Kumar Mukherjee & Others v State of West Bengal & Others" (OA-354 of 2010 decided on January 31, 2014) the Finance Department has agreed to comply with the order passed by the Tribunal in the said case vide U.O. No. Group-P2/2017-2018/0057 dated August 31, 2017. The file sent by the Department of Agriculture to the Finance Department was returned to the parent department with the observations which was quoted in the order by the contemnor. The said*

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*observation of the Finance Department dated September 20, 2017 is as follows :*

**“We have already communicated our views to comply with the order passed by Hon’ble WBAT dated January 31, 2014 in OA-354 of 2010 ensuring the interest of SC/ST following reservation rules in the revised promotion order.**

**The administrative department may, therefore, take action accordingly. We have no further compliance in this regard.”**

*In view of the above observation made by the Finance Department in connection with the file submitted by the parent department before the Finance Department for compliance with the direction given by the Tribunal in connection with the present case, it was the duty of the contemnor to take action in accordance with the views expressed by the Finance Department, which is quoted above. Unfortunately, the contemnor has not taken any decision by considering the views expressed by the Finance Department on September 20, 2017, though the said observation was quoted in the order passed by the contemnor on February 20, 2018.*

*Since the Tribunal gave direction to the contemnor to take a decision and since the contemnor is*

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*of the view that the said decision cannot be taken without concurrence of the Finance Department and since the Finance Department has already expressed the views in this regard, the contemnor is duty bound to take a decision, but the said decision is not forthcoming before the Tribunal.*

*In view of our above findings, we are unable to accept the compliance report submitted by the contemnor today.*

*We are inclined to give the contemnor another opportunity to comply with the direction given by the Tribunal by taking a decision in accordance with the views expressed by the Finance Department on September 20, 2017 in the file bearing no. AG/O/2P-01/2016 (Pt.-I) within a period of 12 (twelve) weeks from the date of communication of the order and to file report of compliance supported by an Affidavit on the next date of hearing.*

*List the matter under the heading “**Hearing**” on **19.09.2018**.*

*Let a plain copy of this order be supplied to both parties.*

**( S.K.DAS )**  
**Member ( A )**

**( R.K.BAG )**  
**Member ( J )**

*H.S/Sanjib*

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