

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

**The Hon'ble Justice Ranjit Kumar Bag
& The Hon'ble Dr. Subesh Kumar Das**

Case No – CCP 9 of 2017 [OA 1288 of 2013]

Sankar Prasad Pal & Ors. vs Mrs. Neelam Meena, Secretary, Deptt. of Youth Services, WB

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
14 18.09.2019	<p>For the Applicants : Mr. A.N. Ghosh, Learned Advocate.</p> <p>For the Contemnor OP : Mr. A.L. Basu, Learned Advocate.</p> <p>For Finance Department : None.</p> <p style="text-align: center;">We have considered the compliance report submitted by the contemnor on March 18, 2019.</p> <p style="text-align: center;">Having heard Learned Counsel representing both parties and on consideration of the compliance report of the contemnor, we find that on June 21, 2016, the Tribunal gave direction for consideration of promotion of the applicants to the post of Sub-Divisional Youth Officer in accordance with rules, if they are otherwise eligible. The previous contemnor cancelled the rules for grant of promotion to the post of Sub-Divisional Youth Officer by issuing Notification on April 7, 2017. The issuance of the Notification dated April 7, 2017 by the previous contemnor has in effect negated the direction given by the Tribunal on June 21, 2016. Apart from that, the Notification dated April 7, 2017 by which the rules for recruitment to the post of Sub-Divisional Youth Officer was cancelled has not been issued in accordance with the provisions of proviso to Article 309 of the Constitution of India. Since the rules for regulating recruitment to the post of</p>	

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<p>Sub-Divisional Youth Officer was cancelled in order to nullify the effect of the direction given by the Tribunal, it is desirable that the contemnor should have taken immediate urgent steps for providing promotional avenue to the applicants in order to comply with the spirit of the direction given by the Tribunal on June 21, 2016. However, we do not find that the contemnor played any positive role for compliance with the directions of the Tribunal till the middle of the year 2018 when a committee has been constituted for framing a new promotion policy for the officer holding the post of Block Youth Officer. The time-frame given to the committee for formulating the policy of promotion is six months w.e.f. September 7, 2018 when the said committee was constituted. In view of non-compliance with the direction given by the Tribunal for a period of almost 2 years, it is desirable that the administrative department headed by the contemnor should have taken the initiative from his end to formulate the policy for grant of promotion to the officers holding the post of Block Youth Officer within a period of at least 3 months without delegating the said power of framing new promotional policy to a committee constituted by officers of the lower rank in the administration. We are still in the dark about new rules for providing promotion to the applicants holding the post of Block Youth Officer in compliance with the direction given by the Tribunal on June 21, 2016 in OA-1288 of 2013. Under the above circumstances, we are unable to accept the</p>	
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compliance report submitted by the contemnor on March 18, 2019.

The contemnor is directed to take necessary steps for formulating new promotion policy of the officers holding the post of Block Youth Officer in consultation with the Finance Department, Government of West Bengal and frame appropriate rules or amend the existing rules for providing promotional avenue to the applicants holding the post of Block Youth Officer within a period of next 6 months from the date of this order. The compliance report must be submitted after lapse of 6 months along with copy of Notification or G.O. providing for promotional avenue to the applicants holding the post of Block Youth Officer.

List the matter under the heading "**Hearing**" on **30.03.2020**.

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

Let **urgent xerox certified copy** of this order, if applied for by either of the party, be supplied on priority basis on compliance of all necessary formalities.

(S.K. DAS)
MEMBER(A)

(R. K. BAG)
MEMBER (J)

Sanjib