

**ORDER SHEET**

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Present-**

**The Hon'ble JUSTICE RANJIT KUMAR BAG**

**& The Hon'ble DR. SUBESH KUMAR DAS**

**Case No – MA 18 OF 2018 (OA-1083 OF 2017)**

**SATYA PRAKASH MISHRA Vs The State of West Bengal & Ors.**

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>01</u> 14.03.2018</p>	<p><i>For the Applicant : Mr. S. Srimani, Learned Advocate.</i></p> <p><i>For the Respondents : None</i></p> <p><i>The applicant has filed this application praying for direction upon the respondents to keep the post of Superintendent, Central Correctional Home vacant till the disposal of the application. The applicant has further prayed for direction upon the respondents to initiate steps for re-writing the ACR of the applicant for the year 2013-2014 and 2016 -2017 in accordance with law within the specific period of time.</i></p> <p><i>The contention of the applicant is that the applicant is highly prejudiced for adverse entries made in the ACR and for not communicating the said adverse entries in time. The further contention of the applicant is that the applicant is deprived of the promotion to the post of Superintendent of Central Correctional Home for adverse entries made in the ACR. On our query, Learned Counsel for the applicant submits that the post of the Superintendent of Central Correctional Home has not yet fallen vacant for the purpose of promotion from the feeder</i></p>	

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.....

*post. The prayer of the applicant for keeping the post of the Superintendent of Central Correctional Home vacant cannot be considered as the post is not vacant till date. On our further enquiry Learned Counsel for the applicant further submits that the applicant has submitted two separate representations before respondent no. 1 on April 07, 2016 and on November 23, 2017. On perusal of both the representations, we find that the applicant has prayed for promotion after upgradation of ACR. In our views, the issue of promotion must be taken up separately from the issue of up gradation of ACR. Since the applicant has mixed up the issue of promotion with the issue of up gradation of ACR, we cannot persuade ourselves to give direction to the respondents to consider the said representations submitted by the applicant. However, we are inclined to give liberty to the applicant to submit fresh representation before the respondent no. 1 ventilating his grievance about adverse entries in the ACR, if any, within a period of 2 (two) weeks from this date. If such representation is submitted by the applicant before respondent no. 1 within the stipulated period of time, the respondent no. 1 is directed to consider the said representation of the applicant in accordance with law within a period of 12 (twelve) weeks from receiving the application and to communicate the result of the same to*

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*the applicant within a period of 2 (two) weeks thereafter.*

*With above direction, the M.A No. 18 of 2018 is disposed of.*

*Let a plain copy of this order be supplied to Learned Counsel for the applicant.*

**( S.K.DAS)**

**Member ( A)**

**( R.K.BAG)**

**Member (J)**

*H.S*