

**ORDER SHEET**

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Present-**

**The Hon'ble Justice Soumitra Pal  
& The Hon'ble Subesh Kumar Das**

**Case No – OA 157 OF 2018**

**Dipankar Mahato 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
05 <hr/> 31.01.2019	<p><i>For the Applicant : Mr. M.N. Roy, Learned Advocate.</i></p> <p><i>For the Respondents : Mr. G.P. Banerjee, Learned Advocate.</i></p> <p><i>In this application, Dipankar Mahato, the applicant has, inter alia, prayed for a direction upon the respondents to grant due promotion with all other consequential benefits including seniority from the date of scheduled promotion with interest. It is submitted by Mr. M.N. Roy, learned advocate for the applicant that though disciplinary proceedings against the applicant was initiated by filing charge sheet on February 21, 2012 and as till date such proceedings are continuing and as the applicant has given reply to the second show cause notice and as the promotion is due to him, in view of the memorandum dated June 12, 1980 issued by the Department of Personnel and Administrative Reforms particularly the stipulation contained in paragraph 2 (ii) thereof, the applicant is entitled to promotion on provisional basis. Since it is not the case of the respondent that the applicant has resorted to dilatory tactics in the disciplinary proceedings, appropriate order be passed.</i></p> <p style="text-align: right;"><i>Mr. G.P Banerjee, learned advocate appearing on</i></p>	

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Dipankar Mahato

Form No. ....

**Vs.**

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*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, this application is disposed of by directing Additional Chief Secretary, Department of Finance (Revenue), Government of West Bengal the respondent no. 2 to consider the case of promoting the applicant on provisional basis due to the pendency of the departmental proceedings in the light of memorandum dated June 12, 1980 particularly the stipulations in paragraph 2 (ii) thereof, by passing a reasoned order to be communicated to the parties within a period eight weeks from the date of presentation of a copy of this order after considering the relevant records and after considering whether others similarly situated have been promoted or not in accordance with law. In view of the order passed the interim order stands vacated. The application is disposed of.*

( S.K.DAS)  
Member ( A)

(SOUMITRA PAL)  
Chairman

H.S/CSM/SS