

**ORDER SHEET**  
**West Bengal Administrative Tribunal**

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

Case No. **OA - 834 of 2018**

*Arindam Mukhopadhyay*

Versus

*The State of West Bengal & Ors.*

Serial No. and  
date of order

Order of the Tribunal  
with signature

Office action with date  
and dated signature of  
parties when necessary.

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2

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02  
16/11/2018

**For the Applicant** : *Mr. G.P. Banerjee,*  
*Ld. Advocate.*

**For the State Respondent :** *Mr. A.L. Basu,*  
*Ld. Advocate.*

*The applicant has prayed for direction upon the Respondent No. 2 to grant him promotion to the post of Inspector of Police along with all consequential benefits.*

*Mr. G.P. Banerjee, Learned Counsel for the applicant contends that the Board of D.G.P. has taken into consideration the fitness of Sub-Inspectors for promotion to the rank of Inspector of Police under West Bengal Police, and the case of the applicant being Sub-Inspector of Police has been considered and kept in the sealed cover, in spite of the fact that the Departmental Enquiry is not pending against the applicant. The specific submission of Mr. Banerjee is that no Departmental Enquiry is pending against the applicant and as such the result of consideration of the applicant for promotion to the rank of Inspector Police should have been published without keeping the result in the sealed cover.*

**ORDER SHEET – (Continuation)**

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	<p><i>Mr. Basu, Learned Counsel representing the state respondents fairly submits that Charge-sheet has not been issued against the applicant and thereby the Departmental Enquiry has not been started against the applicant till date.</i></p> <p><i>Having heard Learned Counsel representing both parties and on consideration of the fact that Charge-sheet has not been issued against the applicant for conducting Departmental Enquiry, we are of the view that the result of consideration of the applicant for promotion to the post of Inspector of Police should have been published without keeping the same in the sealed cover, as the question of keeping the result of consideration for promotion can be kept in the sealed cover only when Departmental Enquiry is pending against the concerned government employee. Since the Departmental Enquiry is not pending against the applicant, the candidature of the applicant should not only be considered for the post of Inspector of Police, but the same should be published and given effect without keeping the result in the sealed cover.</i></p> <p><i>In view of our above findings, we direct the Respondent No. 2, the Director General and Inspector</i></p>	

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	<p><i>General of Police to consider the case of the applicant for promotion to the post of Inspector of Police under West Bengal Police and if the same has already been considered in the meeting of Board of D.G.P. held on August 06, 2018, the result of the same should be published and given effect along with other candidates within a reasonable period of time preferably within a period of 8 (eight) weeks from the date of communication of the order. With the above direction the original application stands <b>disposed of</b>.</i></p> <p><i>Let a <b>Plain Copy</b> of the order be supplied to both parties.</i></p> <p><b>S. K. DAS</b> <b>MEMBER(A)</b></p> <p><b>R. K. BAG</b> <b>MEMBER(J)</b></p>	

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