

ORDER SHEET**WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-**

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

Case No –OA 42 OF 2016

Tulsi Rani Dey & Others 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>11</p> <hr/> <p>07.08.2018</p>	<p>For the Applicants : Mr. K.P. Pal, Learned Advocate.</p> <p>For the State Respondents : Mr. S. Bhattacharyya, No. 1 to 4 Mr. A. De, Departmental Representatives.</p> <p>For the Respondent No. 6 : Mrs. M. Mallick, Learned Advocate.</p> <p>The substituted applicants have prayed for a direction upon the respondents to give promotional benefits to the original applicant – Narendra Chandra Dey by creating supernumerary post and other ancillary benefits.</p> <p>The original applicant retired from the post of Upper Division Clerk in the establishment of District Magistrate and Collector, Birbhum on January 31, 2004. The applicant was suspended while he was in service due to pendency of the criminal case being Special Court Case No. 5 of 1992 arising out of GR Case No. 663 of 1997 before Learned Judge of Special Court at Siuri, Birbhum. The departmental proceeding was also initiated against the applicant which ended in exoneration of the charges. On September 27, 1992, the Disciplinary Authority accepted the report of Enquiry Officer and dropped the proceeding against the applicant. The Disciplinary Authority revoked the order of suspension of the applicant and treated the period of his suspension as on duty and</p>	

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	<p>passed the order for reinstatement of the applicant in the service. The criminal case pending against the applicant was ultimately quashed by the Hon'ble High Court at Calcutta resulting in acquittal of the applicant from the criminal charge. The grievance of the applicant is that his juniors got the benefit of promotion and the financial benefit of the promotional post while the applicant was superseded due to pendency of the criminal case and departmental proceeding, though the applicant is acquitted of the criminal charge and exonerated of the charge in the departmental proceeding.</p> <p>Having heard Learned Counsel representing the applicant, Learned Counsel representing the respondent no. 6 and the departmental representative of the remaining respondents and on consideration of the materials on record, we find that the respondent no. 6 has given the proposal for creation of supernumerary post of Additional Accountant/ Head Cheque Writer/Accountant/Head Assistant and Office Superintendent respectively to provide promotion to the original applicant Narendra Chandra Dey to the Department of Land and Land Reforms, Government of West Bengal under Memo No. 370/Estt. dated May 19, 2014. The Joint Secretary to the Government of West Bengal, Department of Land and Land Reforms, DE Branch has written one letter to the respondent no. 6 on March 8, 2016 for furnishing of information and forwarding of some documents for processing the proposal sent by the respondent no. 6 on May 19, 2014.</p>	

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	<p>Learned Counsel representing the respondent no. 6 submits that the reply to the letter dated March 8, 2016 has not yet been given by the respondent no. 6. The proposal for creating the supernumerary post on the basis of letter dated March 8, 2016 could not be processed by the Department of Land and Land Reforms without considering the document and information to be furnished by the respondent no. 6, particularly when the decision for creating of supernumerary post will be taken in consultation with the Finance Department to the Government of West Bengal.</p> <p>Under the above circumstances, the respondent no. 6, District Magistrate and Collector, Birbhum is directed to comply with the instruction given by the Joint Secretary to the Government of West Bengal, Department of Land and Land Reforms, DE Branch on March 8, 2016 (Annexure R-2 to the reply given by the respondent no. 6) within a period of 4 weeks from the date of communication of the order. The respondent no. 1, Principal Secretary to the Government of West Bengal, Department of Land and Land Reforms, DE Branch is directed to take necessary steps on the basis of letter of District Magistrate and Collector, Birbhum dated May 19, 2014 in accordance with law within a period of 16 weeks from the date of receiving information and document from the District Magistrate and Collector, Birbhum and to intimate the result of the same to the substituted applicant no. 1, Smt. Tulsi Rani Dey, wife of the original applicant Late Narendra Chanda Dey within a period of 2 weeks thereafter.</p>	

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Rajib	<p>The substituted applicants are directed to supply copy of this order along with copy of the original application and annexures thereof and substituted application, copies of reply filed by the respondents and all necessary documents to the respondent no. 1, Principal Secretary to the Government of West Bengal, Department of Land and Land Reforms, DE Branch by speed post within a period of 2 weeks from this date.</p> <p>With the above direction, the application is disposed of.</p> <p>Let a plain copy of the order be supplied to the parties.</p> <p>(Dr. S.K. Das) Member (A)</p> <p>(R.K. Bag) Member (J)</p>	

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