

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

The Hon'ble Urmita Datta (Sen)
& The Hon'ble Dr. A. K. Chanda

Case No – CCP-102 of 2017

Sukomal Rakshit.

Vs Mr. Atri Bhattacharya, Secerary, Home Deptt., Govt. Of W.B.

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><u>05</u> 27.03.2018</p> <p>Page /1</p>	<p>For the contempt petitioner : The applicant appears in person.</p> <p>For the contemnor respondent : Mr. Goutam Pathak Banerjee, Ms. Sunita Agarwal, Learned Advocates.</p> <p>We have heard the parties. The respondents have filed their compliance report. It is noted that in the order dated 28.02.2013, the Court had observed interalia</p> <p>“In view of the ratio of judgements in the cases referred to and the analysis made in the foregoing paragraphs, we direct that the case of petitioner for promotion to the rank of Assistant Commissioner of Police with effect from the date on which his immediate junior was so promoted be considered afresh having regard to the findings and orders in the disciplinary proceeding/criminal case, his suitability otherwise in accordance with the prescribed/accepted norms, and the principle explained hereinabove and if upon such consideration, he is found suitable for promotion, then he should be promoted with effect from the date on which his</p>	

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<p style="text-align: center;">05 ----- 27/03/2018</p> <p>Page /2</p>	<p>immediate junior was promoted. On such promotion, the respondent authorities may, their discretion, consider him for further promotion to the post of Deputy Commissioner of Police based on his inter-se-seniority and subject to availability of a vacancy prior to his retirement. Such promotion will be notional and the applicant will not be entitled to any arrears of pay and allowances consequent upon fixation of pay on promotion but his retirement benefits shall have to be refixed on the basis of notional pay on the date of retirement. Action in terms of this order shall be completed within a period of 3 (three) months from the date of communication of this order. “</p> <p>From the perusal of the compliance report as well as the order dated 4.9.2017, it is noted that though the applicant was granted promotion to the post of Assistant Commissioner of Police, however, according to the respondent his case could not be considered due to</p>	

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<p style="text-align: center;">05 27/03/2018</p> <p style="text-align: center;">sc</p>	<p>the non availability of A.C.R./Integrity report for the post of Deputy Commissioner of Police as in the meantime the applicant retired from service. According to the applicant, who appeared in person, the non availability of A.C.R. was not due to his fault, therefore, he should be considered for promotion. The counsel for the respondent has vehemently objected the said submission on the ground that the compliance has been made as per direction of the Court and if the applicant has any grievance, he should have take appropriate steps. We have gone through our order dated 28.02.2013 and the compliance report dated 03.01.2018. We are satisfied that substantial compliance has been made by the contemnors. Therefore, the C.C.P. is dropped. Notices are charged. However, if the applicant is still aggrieved, he can take appropriate steps as per law.</p> <p style="text-align: center;">DR. A.K. CHANDA MEMBER (A)</p> <p style="text-align: center;">URMITA DATTA (SEN) MEMBER (J)</p>	

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